The Planning Inspectorate

Appeal Decision

Site visit made on 3 July 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 July 2017

Appeal Ref: APP/X4725/W/17/3172712
Land at Back Lane, Badsworth, Pontefract WF9 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Price against the decision of City of Wakefield Metropolitan District Council.
- The application Ref 16/01959/FUL, dated 9 August 2016, was refused by notice dated 4 October 2016.
- The development proposed is the residential development of 1 detached dwelling and surface water run-off attenuation.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I noticed as part of my site visit that a proposed lagoon and earth bunds (i.e. surface water run-off attenuation) appeared to have already been formed to the rear of the proposed residential plot. I was able to see this land from the rear garden of Dalvaine, but as the site visit was made on an unaccompanied basis, I did not have authorisation to go onto the appeal site. Therefore, I could not be certain that the surface water attenuation development had been carried out in accordance with the submitted plans.

Main Issues

3. The main issues are the effect of the proposal upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of neighbouring residential properties in respect of outlook.

Reasons

Site and proposal

4. The appeal site comprises open land used as an access into a field. It is sandwiched between a bungalow on one side (White Gables) and a dormer bungalow on the other (Dalvaine). The area is predominantly residential in character and appearance with properties along the southern part of Back Lane positioned in a linear manner with a broadly consistent front building line. Such properties are set within large and spacious plots and there is a sense of space between and around each of these dwellings. This adds distinctive character to the area.

5. It is proposed to erect a detached two storey four bedroom stone built house with an integral garage. The gable elevation would face onto Back Lane and the main entrance to the property would be from the side elevation of the house adjacent to the common boundary with White Gables. The proposed dwelling has been designed in such a way that the windows on the east and west elevations would serve non habitable rooms. The appellant has indicated that first floor windows to these elevations would be obscure glazed. The proposal also includes the formation of a lagoon and an earth bund on land to the rear of the proposed dwelling which would seek to mitigate the impact of some localised flooding issues. This land falls within the Green Belt.

Character and appearance

6. Outline planning permission (Ref 12/01645/OUT) was approved for the erection of a detached dwelling on the site on 15 May 2014. Matters of access, layout and scale were approved as part of this outline planning permission. This permission represents a material planning consideration and, in any event, the Council does not raise an objection to the erection of a dwelling on the site in land use principle terms.

7. It is accepted by the main parties that this full planning application is for development which would result in a dwelling being erected on the site which would be taller and have a larger footprint than that approved under the outline planning permission. It would be positioned within a plot which is narrow and elongated in form. This contrasts with the other residential plots on the south side of Back Lane which are wider and more spacious. The proposed dwelling would be higher than neighbouring Dalvaine and would be positioned in very close proximity to the common boundaries with both of the existing neighbouring residential properties. Consequently, I consider that the dwelling would appear cramped within its plot and that it would detract from the prevailing sense of space between and around existing properties in this part of the street.

8. The above concerns would be compounded by the fact that the gable elevation of the dwelling would face onto Back Lane. In this regard, and when compared to the design and appearance of other properties on Back Lane, the development would look materially out of place and discordant in the street-scene. I recognise that planning permission has already been approved for a house on the site. However, and unlike that proposal, the appeal dwelling would be high when judged against the neighbouring properties and would have a very high eaves height. Furthermore, the property would be positioned in front of the building line of Davaine and hence the poorly designed dwelling would appear particularly prominent within the street-scene.

9. Whilst I accept that there are other stone built properties in other parts of the immediate area, this is not the main material used in respect of the properties that exist on the southern part of Back Lane. The introduction of a contrasting building material would have the effect of making the proposed dwelling look even more incongruous when viewed from Back Lane.

10. For the collective reasons outlined above, I therefore conclude that the proposed dwelling would have a significantly detrimental impact upon the character and appearance of the area and would not therefore accord with the design aims of Policy CS10 of the Wakefield Metropolitan District Council Local Development Framework Core Strategy 2009; Policy D9 (part a) of the

Wakefield Metropolitan District Council Local Development Framework Development Policies Document 2009 and the National Planning Policy Framework (the Framework).

11. In land use principle terms I raise no objection to the proposed lagoon and earth bunds to the rear of the site. Taking into account paragraph 90 of the National Planning Policy Framework, I agree with the Council that these engineering operations would preserve the openness of the Green Belt and that they would not conflict with any of its purposes.

12. Notwithstanding the above, the Council's Drainage service considered this part of the proposal in conjunction with the erection of a dwelling on the appeal site. In this sense, there is a functional/physical link between such developments. Furthermore, the Council's Drainage Service indicated that there was a need for additional flow and engineering detail information in respect of this development. On the evidence that is before me, I am not certain whether the additional information would be required in the absence of a dwelling on the appeal site. Whilst the proposed lagoon and earth bunds do not amount to inappropriate development in the Green Belt, I do not have enough certainty that, from a localised flooding point of view, the proposal would technically be acceptable and therefore properly mitigate all localised flooding issues.

13. The aforementioned development does appear to have been completed, but I cannot be sure whether such development accords with the submitted plans and/or whether it has been completed in accordance with the Council's Drainage Service requirements. It would be open to the appellant to apply separately for this development, but based on my reasoning above, I do not consider that it would be appropriate to issue a split decision and allow the proposed surface water run off attenuation.

Living Conditions

14. I have taken into account the scale, layout, internal room configuration and position of windows for the appeal dwelling and the separation distances from the neighbouring residential properties. I do not consider that the proposal would result in a material loss of light or privacy to neighbouring residential properties including White Gables. However, had the proposal been acceptable in all respects, it would have been necessary to remove specified permitted development rights relating to future alterations to the property and to ensure that any first floor windows on the east and west elevations were obscure glazed/top hung only.

15. Notwithstanding the above, the two storey dwelling would be positioned in very close proximity to the rear patio and the windows in the eastern elevation of the extended part of the rear of Dalvaine. There is some landscaping on the boundary between the patio area/windows of Dalvaine and the appeal site. Given the height of this landscaping, it would effectively screen the proposed dwelling during the summer months. However, some of the vegetation is deciduous and hence part of the two storey dwelling would be very conspicuous during the winter and autumn months. Given the scale, position and overall height of the proposed dwelling when viewed from these areas, I consider that for parts of the year it would have a significantly dominating and enclosing impact leading to a material loss of outlook for the occupiers of Dalvaine.

16. For the above reason, I conclude that the proposal would not accord with the amenity aims of Policy D9 (part k) of the Wakefield Metropolitan District Council Local Development Framework Development Policies Document 2009 and the Framework.

Other Matters

17. I have considered the representations received from other interested parties. Some of the comments made have already been addressed in the reasoning above.

18. I am satisfied that the appellant has completed relevant ownership certificates and that the plans are adequate for the purposes of scaling off measurements. Any damage to boundary fences at construction stage would have been a private / civil matter.

19. The Highway Authority has raised no objection to the proposal in terms of car parking, highway safety and traffic generation issues. I have no reason to disagree with their conclusions.

20. I acknowledge that outline planning permission has been approved on the site for the erection of a dwelling. However, the appeal proposal is different from the approved development and furthermore this proposal is submitted as a full planning application. I have determined this appeal on its individual planning merits and the existence of an outline planning permission for the site does not alter my conclusions on the main issues.

21. None of the other matters raised outweigh or alter my overall conclusions on the main issues.

Conclusion

22. For the reasons outlined above, and taking into account all other matters raised, I conclude that when considered as a whole the proposal would not accord with the development plan for the area. Therefore, the appeal is dismissed.

Daniel Hartley

INSPECTOR