



Appeal Decision

Site visit made on 12 August 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/X4725/W/19/3229896

Pear Tree House, Pear Tree Lane, Hemsworth, West Yorkshire, WF9 4PX

- 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 Raymond Wriglesworth against the decision of Wakefield Metropolitan District Council.
 - The application Ref 19/00354/FUL, dated 12 February 2019, was refused by notice dated 7 May 2019.
 - The development proposed is 'demolish existing garage, build new dwelling with new garage integral. Using existing access'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues in the appeal are:
 - The effect of the proposal on highway and pedestrian safety;
 - Whether or not the proposal would provide adequate living conditions for future occupiers;
 - The effect of the proposal on the living conditions of the occupiers of the neighbouring property with particular regard to overbearing and dominance; and
 - Whether or not the site is a suitable site for new housing having particular regard to development plan policy.

Reasons for the Recommendation

Highway Safety

4. Policy D14 of the Wakefield Development Policies Document (adopted April 2009) (WDPD) requires that development proposals shall demonstrate they can be accessed conveniently and safely; that they can ensure the free flow of traffic within the development and on the surrounding highway network and
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- that they will provide a level of parking provision appropriate to the proposal and its location.
5. The appeal site is towards the northern end of Pear Tree Lane, a narrow lane that serves a small number of properties. The lane is also used as a pedestrian and cycling route to the town centre a short distance away, although the lane lacks a pavement for much of its length. The lane is not wide enough for two cars to pass each other, which could lead to a vehicle blocking or having to reverse onto Barnsley Road to the detriment of both highway and pedestrian safety.
 6. The proposed dwelling would have an integral garage fronting directly onto Pear Tree Lane, although the new garage would not meet the Council's size requirements to be classed as an off-road parking space. The new dwelling and garage would replace the existing unused detached garage on the site. Even if this is considered to be a one-for-one replacement, the provision of a new dwelling would have the greater likelihood for an increase in car movements in the street. In addition, given the inadequacy of the proposed parking arrangements, a matter to which I will turn below, the proposal is likely to give rise to vehicles waiting on the highway which would inhibit the free flow of traffic and cause a danger to pedestrians.
 7. The increase in car movements at the appeal site would also lead to more car movements at the junction with Barnsley Road, which the Council have indicated is substandard in terms of its visibility. The appellant has suggested ways he considers the junction could be improved, however these measures are outside the scope of this appeal. Whilst the proposed dwelling would result in a modest intensification in car movements, and there may be an absence of accidents in the last 30 years, given the substandard visibility any intensification would further increase the harm to highway safety.
 8. I have been referred to an appeal decision in 2003¹ for a dwelling at the appeal site. A residential development opposite the appeal site was under construction at the time, and the Inspector concluded that additional traffic generated by the proposed dwelling would not have any significant impact on highway safety at the junction. However, there have been considerable changes to national and local policies since the 2003 appeal and therefore I am not persuaded that the 2003 appeal is relevant in this case. In any case, I have determined the appeal on its own merits.
 9. Therefore, for the reasons above, the proposal would have an unacceptable impact on highway and pedestrian safety and would not accord with Policy D14 of the WDPD.
 10. In support of the appeal the appellant states that recently another developer was allowed to create a new access onto Pear Tree Lane for the use of a minimum of three vehicles. However, I am not aware of the circumstances in which this was granted permission. Therefore, I cannot be sure that this development has any similarities to the access proposed in this case. In any case, this appeal has been determined on its own merits.

Living Conditions – future occupiers

¹ Appeal Ref. APP/X4725/A/03/1113313

11. I note that the Council's reason for refusal with regard to the living conditions, as set out in the decision notice, was that "The proposed dwelling provides a poor standard of housing environment by virtue of its scale, layout and proximity to Pear Tree House..." whereas the officer's report does not raise any concerns with regards to the scale, layout and proximity to Pear Tree House. Moreover, no evidence has been put forward on these issues. The officers report does however, refer to unacceptable off-street parking provision. I shall therefore address the concerns raised in the officer's report and points raised by the appellant regarding the standard of living accommodation within the property.
12. The proposed garage would not meet the minimum size required by the Council to be classed as off-road parking. As there is no other parking proposed as part of the proposal and as on-street parking is not possible in Pear Tree Lane, the proposal would not have any adequate car parking provision. As such residents would be forced to park in a safe place at a distance from the site. This situation would cause significant inconvenience to residents.
13. The proposal would be a two-storey dwelling with two bedrooms with a garden area to the side and rear. The proposed garden size would be an appropriate size for a two-bedroomed house and would exceed the Council's minimum required garden size. In addition, each of the four main rooms would have a window which would overlook the rear garden. The windows are a reasonable size and I am satisfied, on the basis of the evidence before me, adequate outlook and light would be provided to each habitable room. An existing first-floor side window at Pear Tree House is directly on the proposed boundary and would cause substantial overlooking. However, it is proposed to brick up this side window and replace it with a first-floor rear window, which would provide adequate privacy to the proposed dwelling.
14. Consequently, the proposal would provide adequate living conditions for future occupiers with particular regard to private outdoor space, light and privacy. From what I have read in the Council's Statement of Case and officer report it appears that the Council does not disagree. However, the lack of off-street parking would conflict with Policy D9 of the WDPD which, amongst other things, requires that proposals do not have a significant detrimental impact on the amenity of existing or prospective users.

Living Conditions – neighbours

15. The proposed dwelling would be approximately the same height as Pear Tree House, and the appeal site is at a lower level than the neighbouring properties at nos. 58 & 60 Westfield Road. Given the difference in land levels and the separation between the appeal site and the rear elevations of nos. 58 & 60 Westfield Road, I am satisfied that the proposed dwelling would not cause any undue overbearing or over-dominance to the neighbouring properties and would comply with policies D9 and D10 of the WDPD which, amongst other things, requires that proposed development does not harm the living conditions of neighbouring properties.

Whether a suitable site for new housing

16. The appeal site is associated with the neighbouring property Pear Tree House and contains a detached garage which appears to be unused. The site is a short

distance from Hemsworth town centre with the surrounding area containing a mix of residential and commercial uses.

17. Policy CS1 of the Wakefield Core Strategy (adopted April 2009) (WCS) indicates that within urban areas such as Hemsworth, priority for land to be developed is given firstly to previously developed land and buildings, then to suitable infill sites, and then sustainable extensions to the settlement.
18. While the appellant contends that the appeal site is not garden land, there is no substantive evidence before me to demonstrate that the site is previously developed land. The site is surrounded by built development and the Council therefore acknowledge that it can be considered an infill site, and I have no reason to disagree. However, given my findings on highway safety and living conditions above, the site does not represent a suitable site for an infill development. Furthermore, the site does not constitute an extension to the settlement. For these reasons the proposal would not accord with the criteria given in Policy CS1 and therefore the site is not an appropriate location for new housing development.
19. The appellant questions whether development plan policies could be relaxed for small sites with an existing access. However, planning law² requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The appellant has failed to provide any substantive justification for the development plan policies to be relaxed in this case.

Other Matters

20. I acknowledge that the existing detached garage does not contribute positively to the appearance of the street, and that the Council have no objections to the design and appearance of the proposed dwelling. However, the removal of the garage and replacement with the proposed dwellinghouse does not outweigh the various harms identified above.
21. I note the appellant's concerns regarding the Council's handling of the case, and in particular the lack of response to letters sent by the appellant. However, this is a matter that would need to be taken up with the Council in the first instance. In determining the appeal I have only had regard to the planning merits of the case.

Conclusion

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

² Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004.

S Ashworth

INSPECTOR