



Appeal Decision

Site visit made on 17 December 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/X4725/W/19/3237173

29 Eastville Road, Sharlston Common, Wakefield WF4 1AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss Jo Cooke against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 18/01741/OUT, dated 1 August 2018, was refused by notice dated 23 July 2019.
 - The development proposed is described as one new house in grounds of property.
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Decision

1. The appeal is dismissed.

Procedure Matters

2. Outline planning permission is sought for one dwelling with access and layout to be considered at this stage, with indicative plans showing the respective appearance, scale and landscaping of the dwelling within the plot.
3. I note that the original application submission was for an outline application for a pair of semi-detached houses, as set out in the design and access statement¹ and that the application is described on the application form as '*one new house*'. However, the appellant in their appeal statement confirm that in considering objections the original application was changed to a 1 storey bungalow from a house, the indicative plans also confirm this to be the case. I have therefore taken this into account in so far as establishing whether it would be possible, in principle, to erect one bungalow on the site and I shall deal with the appeal on that basis.

Main Issues

4. The main issues are (i) the effect of the development upon the character and appearance of the area; and (ii) the effect upon living conditions of future occupiers, with regard to the proximity of the proposed development to No.29 (No.29) Eastville Road and No.31 (No.31) Eastville Road.

Reasons

Character and Appearance

¹ Breslin Building Surveys: Building Design and Access Statement in line with (NPPF) National Planning Policy Framework. Proposed Outline Planning Permission. Dated: 07/01/2019

5. The appeal site is garden land to the rear of No.29, which is a two storey end terraced dwelling with a spacious side and rear garden area. It is located within a predominantly residential area with the majority of dwellings in the immediate area being terraced or semi-detached at two storeys and share similar features and characteristics that contribute to the character and appearance of the street scene. I acknowledge that within the wider area, along Eastville Road there are bungalows, but these are some distance away from the appeal site.
6. The proposed dwelling would be orientated so that, in effect, the front of the bungalow would face Southfield Road. Although, it would be set back from the highway with front gardens it would still directly face the row of two storey terraced properties. It would also be located behind No.29, which also forms a terraced block of two storey dwellings. In the context of the terrace rows, the proposed bungalow would be distinctly at odds with the immediate appearance and residential characteristics of those two storey neighbouring dwellings to the detriment of the street scene and wider area.
7. Furthermore, the restrictive plot size and proposed layout would result in a dwelling of a contrived nature within the site itself, that would appear as a cramped and discordant dwelling being out of character with the distinct pattern and visual appearance of development within the area. It would therefore result in an incongruous dwelling having a significant adverse effect on the character and appearance of the street scene when viewed from both Southfield Road and Eastville Road.
8. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policy CS10 of the Wakefield Metropolitan District Council Local Development Framework Core Strategy (CS), 2009 and Policies D9 and D10 of the Wakefield Metropolitan District Council Local Development Framework Development Policies Document (DPD), 2009. These require, among other things that development is of high quality design, layout and landscaping; proposals respect, and where appropriate enhance the character of the locality and provide a quality setting within the development; do not reduce the space about the dwelling or be discordant and result in significant harm to the character of the area.
9. The proposed development would also be contrary to the National Planning Policy Framework, 2019 (the Framework), Section 12: Achieving well-designed places.

Living Conditions

10. The proposed dwelling would occupy land to the side and rear of No.29 and would be built close to the boundary with No.31. Notwithstanding, the indicative plans showing the elevations it would be likely that the rear of the property would require a level of window openings to serve habitable rooms to ensure an adequate level of daylight / sunlight is provided for those rooms. However, at present there is a substantial hedgerow along the boundary and the plans indicate that this would stay in place.
11. Therefore, it would be likely that any occupants of the dwelling would have a bleak and unsatisfactory outlook as the dwelling and any openings would be in close proximity to the shared boundary and the imposing hedgerow. Whilst this

may be the case, even, if the hedgerow was removed it would be likely that the effect of any boundary treatment, which would be required for privacy at a substantial height given the close proximity to the garden of No.31 and that the dwelling would only be one storey in height, meaning openings would be directly facing the boundary, would have similar consequences in terms of outlook for the living conditions of any future occupants.

12. Furthermore, given the orientation of the proposed dwelling and its layout, particularly that it abuts the garden area of No.31, would likely result in an unacceptable amount of overlooking from first floor windows from existing properties (No.29 and No.31) into the appeal site. I accept that windows could be obscure or removed from the side elevation of the new dwelling in any future reserved matters, however it would not alleviate my concerns that the appeal site itself and any proposed garden areas would be significantly overlooked, causing an unacceptable harm to the privacy levels of future occupants.
13. As such for the reasons given above, I am not satisfied that the proposed development would provide acceptable living conditions for any future occupants of the dwelling. This would be contrary to Policy CS10 of the CS, 2009 and Policy D10 of the DPD, 2009. Which together, amongst other things require buildings, spaces and landscaping of high quality design which are appropriate to their location; have no significant detrimental impact on the amenity of neighbouring uses or residents and existing or prospective users and development will not be permitted if it would reduce the space about the dwelling; significantly reduce the privacy of occupants.
14. It would also be contrary to the Framework, particularly paragraph 127 (f), which requires developments to have a high standard of amenity for existing and future users.

Other Matters

15. I note that local residents have expressed additional concerns about the proposed development, including car parking, density, coal mining area, structural damage, views, sewers, flooding and noise/disruption. However, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support those concerns and the scheme has been revised since some of the objection comments were submitted to the Council. Given my findings in relation to the main issues, it is not necessary to consider these matters in detail.
16. The references which have been made to restrictive covenants at the site would be private/civil matters between the relevant parties and are not within my jurisdiction.
17. I also agree with the Council that the scheme would not harm the living conditions, in regard to privacy or overlooking of the existing occupants of properties along Southfield Road due to the separation distance and layout shown on the plans. However, this does not outweigh the other harm I have found.
18. The appellant refers to the Framework within the design and access statement and that it is supportive of positive planning and ensuring that land is viable as a resource and is put to best use. Whilst this may be the case, it is not without

caveats, including that developments are sympathetic to local character and provide a high standard of amenity for existing and future users.

19. The appellant refers to there being insufficient low-cost housing around the area especially bungalows, whilst this may be the case, I have no substantial evidence to suggest that the proposal would be constructed to meet local housing need or be provided as low-cost housing as the evidence before me suggests the bungalow would be for market housing.
20. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, be within a sustainable location and the contribution both construction opportunities and any future occupiers would make to the local economy. However, this would be limited due to the quantum of development proposed. These matters, however, do not outweigh my findings in respect of the main issues nor the conflict I have found with the development plan read as a whole.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR