



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: Thursday, 16 January 2020

Appeal Ref: APP/X4725/W/19/3238719

27 Brookfield Avenue, Castleford WF10 4BJ

- 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 & Mrs Prince against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 19/01013/FUL, dated 29 April 2019, was refused by notice dated 30 July 2019.
 - The development proposed is construction of hard-standing area for storage of vehicle to rear of property and changes to rear boundary.
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Decision

1. The appeal is dismissed.

Procedure Issues

2. The development has already taken place and the appellant is seeking to retain works to the rear of the site within the garden area for the changing of land levels, the construction of a hardstanding area to park and store vehicles with store below and the erection of new rear boundary treatments incorporating a fence/wall and sliding gate. However, the appellant has indicated that they require to carry out further works to render the blockwork and add coping stones, on this basis I am considering the appeal part retrospectively.
3. The appellant seeks the storage of vehicles on the hardstanding, the Council and the evidence before me indicate that it would be a caravan that is stored at the appeal site as this has previously been in situ. At the time of my site visit there was no vehicle, including that of a caravan stored on the hardstanding area. As such, I consider it is necessary to refer to both that of a vehicle and a caravan within my decision.

Main Issues

4. The main issues are (i) whether the development effects the character and appearance of the area (ii) and the effect of the development on the living conditions of neighbouring occupiers, with particular reference to privacy, overshadowing and outlook

Reasons

Character and Appearance

5. The appeal site is a semi-detached property which is located within a predominantly residential area of similar dwellings. The property features both

front and rear gardens including a driveway with ample off-road parking to the front. Due to the topography of the area the rear gardens of properties along Brookfield Avenue have rising land levels towards Close Road.

6. The constructed raised area of hardstanding is positioned prominently within the rear garden, this is exacerbated due to the topography of the area and the site can be viewed from along Brookfield Avenue between the gaps of houses. The changes to land levels and the alterations to the garden, including the construction of the hardstanding itself with underneath store would be seen in context to the existing garden layout, which incorporates other areas including, decking, steps, patio area and other garden structures. It would be not that dissimilar from other areas of hardstanding constructed and positioned at different levels within rear garden areas of other properties along Brookfield Avenue.
7. However, due to the overall position, siting and excessive size within the rear garden area the hardstanding combined with the siting of any vehicle not just a caravan on top would appear at odds and results in an incongruous feature within the domestic garden setting. Particularly as any vehicle, including that of a caravan would appear as a large and opposing addition on top of the hardstanding. Furthermore, I noted on my site visit there are no other vehicles parked within rear garden areas at such a high level along Close Road or within the immediate vicinity of the site and that there is no dropped kerb or formation of a suitable access point. At present the grass verge along Close Road positively contributes to the character and appearance of the area and it would be likely part of this would be lost by the requirements of the highway officer for a vehicular crossover.
8. I acknowledge that some screening could take place, however this would be difficult to enclose the hardstanding with a vehicle on top as it would result in the erection of a substantially large and high boundary treatment that would potentially lead to further visual harm. As such the hardstanding with associated vehicle storage parking on top would be harmful to the character and appearance of the immediate locality and the street scene.
9. In terms of the rear boundary treatment, I noted that there are other properties which have rear access to Close Road and there is a significant variation in type, materials and height of boundary treatments, albeit they have only pedestrian access to gardens and do not incorporate sliding gates for a vehicular access. As such, I do not consider that the boundary treatments erected to the rear of the site cause any further detrimental visual harm to the street scene.
10. For the reasons given above, I conclude that the hardstanding area for storage of a vehicle would harm the character and appearance of the area. It would be contrary to 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.

Living Conditions

11. The hardstanding area is positioned at the highest point of the rear garden, directly alongside the boundary with No.25 Brookfield Road (No.25). The Council argue that the development represents a platform structure and that if the caravan was not in situ, it would still result in a loss of privacy to neighbouring properties as the appellant could stand and directly look into the neighbouring property and garden.
12. However, as I noted on my site visit the gardens of neighbouring properties have an existing degree of overlooking due to the changes in land levels and where patio / hardstanding / decking areas are positioned. Therefore, the development does not create any further adverse impacts in terms of the privacy of neighbouring occupiers than that of the existing layout of gardens. Neither, would it be likely due to the elevated position of existing land levels there would be any significant impact to the neighbouring garden areas by reason of overshadowing or loss of light to those garden areas from the hardstanding when a vehicle was parked on top.
13. Whilst I acknowledge this would be the case, given the use of the hardstanding to store vehicles and that its position and size is in close proximity to the boundary of No.25, any vehicle including that of a caravan stored on the hardstanding would appear as a large and imposing addition at such a high level within a domestic garden setting. Therefore, resulting in an oppressive outlook for the occupiers of No.25 when utilising their rear garden area, particularly when using the lower levels of the garden, which is to the detriment of the enjoyment of their outdoor amenity space.
14. For the reasons given above, the development would be harmful to the living conditions of neighbouring occupiers at No.25, by reason of outlook from the hardstanding for vehicle storage. This would be contrary to and Policies D9 and D10 of the DPD, 2009. Which together, amongst other things require new development to have no significant detrimental impact on the amenity of neighbouring uses or residents and existing or prospective users and reduce privacy; or overshadow neighbouring dwellings. It would also be at odds with the guidance contained within the Wakefield District Residential Design Guide, Part 2: Guidance for householders, Supplementary Planning Document, 2018.

Other Matters

15. The Council have referred to the development being structurally unsound due to the load bearing walls, insufficient drainage and if the retaining wall and support mechanisms are not strong to support the caravan, there is a risk this could potentially collapse. I have no substantive technical evidence to confirm this would be the case or not, but as the Council have pointed out this would be a matter for building control. As such, I have dealt with the appeal on the basis of the evidence before me.
16. There is no evidence that the proposal would give rise to an increase in anti-social behaviour or crime in the area from stepping over from neighbouring gardens or that the development exacerbates flooding from excessive rainwater in the area, so the development would be acceptable in these respects and any details for drainage could be controlled by condition. However, these matters do not outweigh the harm I have found above.

17. I acknowledge the appellants comments that only one letter of objection was received, and that it is reasonable to assume the proposal is acceptable and does not impact on other occupiers. The limited number of objections does not justify allowing the development and in any case, I have dealt with the appeal on its own merits.

Conclusion

18. For the reasons given above and taking all matters into consideration the appeal should be dismissed.

K A Taylor

INSPECTOR