



Appeal Decision

Site visit made on 7th July 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal Ref: APP/X4725/W/20/3247546

144, Land Adjacent Wakefield Road, Ossett WF5 9AR

- 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 Allen Walker against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 19/01256/FUL, dated 15 May 2019, was refused by notice dated 19 September 2019.
 - The development proposed is described as detached house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) effect of the proposal on the supply of employment floorspace; ii) whether the proposal would provide adequate living conditions for future occupiers, with particular regard to daylight, outlook and noise; and iii) the effect of the proposal on the character and appearance of the area.

Reasons

Site and proposal

3. The appeal site is a vacant gap site located between a short terrace of two storey brick built houses and a large warehouse building. At the time of my site visit the warehouse was occupied by at least two businesses, including a car parts superstore and a fireplace retail outlet.
4. The proposal would see the development of a two and a half storey detached house.

Employment land

5. The main parties do not disagree that the appeal site is located within an Employment Land Zone.
6. Policy D3 of the Wakefield Local Development Framework- Development Policies 2009 (WLDFDP) seeks to protect employment land but provides for the re-development of non-employment uses in certain conditions. Most relevant to this appeal is Policy D3 (1c) which requires that where a site is not in use, appropriate marketing is undertaken to demonstrate that the site is not in demand for employment purposes.

7. The appellant states but does not advance the argument that the location of the site precludes it from any form of commercial development. However, no evidence has been submitted to indicate that the appeal site has been marketed for employment uses and consequently I cannot be certain that there is no demand for the site for employment purposes. As a result, I consider that the proposed redevelopment of the site would lead to an unjustified loss of employment land, contrary to Policy D3 of the (WLD FDP).

Living conditions

8. The appeal site is a very narrow linear plot that is sandwiched between an existing terrace and a large warehouse building. The adjacent residential property has been substantially extended at ground floor and the warehouse, which is positioned in a slightly elevated position, runs the entire length of the shared boundary.
9. The appeal property would occupy a very limited space between the two existing buildings, it would have a deep rectangular floor plan with large windows to the front and rear, three small windows on the gable facing onto the adjacent residential property, and a single door opening on the opposite elevation facing the warehouse. The property would have a good sized rear garden however, I consider that the presence of the expansive, blank gable wall of the warehouse running the length of the boundary would have an overbearing effect on outlook that would be detrimental to the living conditions of any future occupiers of the appeal property.
10. Furthermore, I consider that due to the orientation of the buildings, the elevated position of the warehouse and the deep floor plan of the proposed dwelling, the proposed dwelling and garden area would be overshadowed for a lengthy portion of the day, thus further impacting on the living conditions of future occupiers.
11. The Council has raised concerns in relation to the noise emitted from the nearby commercial businesses and the prospect that the proximity of the proposed dwelling to the existing commercial uses would lead to complaints from future occupiers and the eventual curtailment of current adjacent uses. Policy D3 (2a/b) of the WLD FDP seeks to ensure that existing uses are not restricted by the introduction of new uses and the amenities of the new occupiers are not compromised by existing neighbouring uses.
12. Whilst I do acknowledge that the site is located in a busy urban environment, whilst visiting the site, I was able to hear noise from the various extraction outlets on the gable wall of the factory as well as more distant noises from the other adjacent businesses. The appellant submits that a mechanical ventilation system at the property would negate the need for occupiers to open the windows thus reducing the likely impact of noise from adjacent uses. However, I have not been provided with any substantive evidence in the form of a noise report, or mitigation strategy. Consequently, I am not persuaded that mechanical ventilation would suitably mitigate noise impacts leading to acceptable living conditions for future residents.
13. Accordingly, I conclude that the proposal would not provide adequate living conditions for future occupiers, with particular regard to daylight, outlook and noise. In this respect the proposal would fail to accord with the amenity

requirements of Policies D3 and D9 of the WLDFDP and the Wakefield District Residential Design Guide 2018 (RDG).

Character and appearance

14. The appeal site lies within a busy urban area that has an eclectic character due to the range of uses. Nonetheless, residential properties in the immediate vicinity are relatively uniform in design, scale and use of materials. Generally, they are either semi-detached or terraced properties constructed in red brick with pitched or hipped roofs and set back from the road behind short front gardens.
15. Policy D9 of the WLDFDP requires new development to, amongst other things, respect and enhance the local character of an area in terms of design, scale, materials and layout and allow easy access for all members of the community.
16. The information submitted with the appeal is very limited in terms of demonstrating how the finished building would look. There are no materials indicated on the drawings or specified on the accompanying application form, although I acknowledge that the appeal statement specifies local brick with a tiled roof.
17. Nonetheless, I consider that overall by virtue of its layout, proportions and spatial relationship with the site and adjacent buildings, the building would be of poor design that would appear incongruous in the street scene. The dwelling would be extremely narrow but would occupy almost the entire width of the plot leaving less than 1 metre at either side. This would make access for wheelchair users or pushchairs very difficult and would conflict with the requirements of the RDG which requires a minimum gap of 1 metre between the building and boundary. Furthermore, I consider that the front facing gable roof would appear at odds with the surrounding area. The large window openings would appear disproportionate and lack of visible front entrance would further exacerbate the lack of cohesion with the surrounding properties.
18. For these reasons, the proposal would conflict with the design aims of Policy CS10 of the Wakefield Local Development Framework- Core Strategy 2009 (CS) Policy D9 of the WLDFDP and the RDG.

Conclusion

19. For the reasons given above and taking into account all other matters raised, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR