



Appeal Decision

Site visit made on 10 September 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/X4725/W/20/3253792

6A Kilby Street, Wakefield, WF1 2RB

- 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 Mobeen Shakoor against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 19/02266/FUL, dated 8 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is a detached house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would safeguard the living conditions of the neighbouring occupiers of No. 8A Kilby Street, having regard to outlook and a sense of enclosure.

Reasons

3. The appeal site constitutes part of the front garden of No. 6A Kilby Street and adjoins the garden land of No. 6 Kilby Street to the east. To the west of the site are the properties at Nos. 8 and 8A Kilby Street. The boundary of the St Johns Conservation Area takes in the properties on the opposite side of Kilby Street fronting St. John's Square but does not incorporate the appeal site.
4. The proposed two-storey detached dwelling would occupy a position in close proximity to the principal elevation of No. 8A, within which are located the majority of windows to habitable rooms. No. 8A would face directly towards the flank elevation of the proposed dwelling, which is punctuated solely by a first-floor window to a bathroom and a side door on the ground floor.
5. The flank elevation of the proposed dwelling would possess an eaves height of 5.5 metres and a ridge height of 8.6 metres, but with a separation distance from No. 8A of 9 metres. I am satisfied that, subject to the bathroom window being finished with obscured glazing, there would not be an adverse impact on the privacy of the neighbouring occupiers of No. 8A, and that any loss of light would be acceptable. I would also agree with the Council's conclusions with regards the relationship with No. 8 Kilby Street, However, I share the Council's concerns over the impact on outlook from No. 8A.

6. The depth and scale of the proposed dwelling and its position on the appeal site would appear as a dominant form of development which would have a significant adverse impact on the outlook from No. 8A. Furthermore, and even allowing for the position and proximity of the existing boundary wall between the yard area of No. 8A and the appeal site, the limited distance between the proposed dwelling and the principal elevation of No. 8A would create an oppressive and unacceptable sense of enclosure for neighbouring occupiers.
7. For these reasons, the proposed dwelling would fail to safeguard the living conditions of the neighbouring occupiers of No. 8A Kilby Street, having regard to outlook and a sense of enclosure. The proposal would conflict with Policy CS10 of the Wakefield Core Strategy 2009, Policy D9 of the Wakefield Development Policies 2009, and the guidance set out at section 1.07 (Effect on Neighbours) of the Wakefield District Residential Design Guide Supplementary Planning Document Part 2: Guidance for Householders 2018. These policies and guidance seek to ensure that development is of a high quality of design appropriate to their location in terms of scale, have no significant detrimental impact on the amenity of neighbouring residents, and maintains an adequate separation distance of at least 12 metres between habitable room windows and gable elevations with only windows to non-habitable rooms.

Other Matters

8. Due to the appeal site being adjacent to the boundary of the St Johns Conservation Area, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the setting of the heritage asset (the conservation area). However, having regard to the Council's assessment of the design and impact of the proposed dwelling, and from my observations of the appeal site and other more recent development in the vicinity, I would agree with the conclusion that the proposal would be in general accordance with the relevant Development Plan policies and would not harm the significance of the heritage asset.

Conclusion

9. The provision of an additional dwelling to the local housing market would be an undoubted benefit of the proposed development, albeit given the quantum of development the weight to be attached would be very limited. The local economy would also have the potential to have some limited benefit during the construction period and from any expenditure from future occupiers. The appeal site would also occupy an accessible location for the services and facilities of the centre of Wakefield. These are factors which would also attract some limited weight in support of the proposed development.
10. However, I have found that the proposal would fail to safeguard the living conditions of neighbouring occupiers. I am satisfied that the benefits which I have summarised above would not be sufficient to outweigh the harm which I have identified in the main issue.
11. For the reasons given above, the appeal is dismissed.

Martin Seaton

INSPECTOR