
Appeal Decision

Site visit made on 20 August 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/X4725/D/20/3254414

182 Blacker Lane, Netherton, Wakefield WF4 4HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by E Hinchliffe against the decision of Wakefield Council.
 - The application Ref 20/00068/FUL, dated 7 January 2020, was refused by notice dated 11 May 2020.
 - The development proposed is described as the erection of a detached outbuilding.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 17 September 2020.

Decision

1. The appeal is dismissed.

Procedural Matter

2. At paragraph 6.1 of the Appellant's Statement the proposed development is described as providing for 'more versatile, long term living accommodation'. For the avoidance of any doubt this Decision Letter takes the development proposal as being for the garaging of vehicles and other items, and not for living accommodation.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the character and appearance of the host building and the locality; and
 - the living conditions of the occupants of 2 Meadow Court and 180 Blacker Lane.

Character and Appearance

4. The appeal property sits close to the centre of Netherton village and comprises a detached dwelling of a traditional stone construction style fronting onto Blacker Lane with an L-shaped area of ground to the rear. This area of ground is accessed via a solid pair of tall, wooden gates. Much of the far end of the L-shape is taken up by a recently approved detached storage building constructed of steel. Across the site there are several vehicles of varying ages and types.

5. The development proposal comprises the construction of an L-shaped single-storey outbuilding close to the one of the corners of the area of ground. According to the Appellant's plans the outbuilding would measure approximately 13.5 metres by just over 10 metres along the longest sides and would be 5.0 metres in height. It would be constructed of stone and stone slates. The outbuilding would be used to store some of the aforementioned vehicles.
6. Behind the area of ground is a dwelling at 2 Meadow Court. The two adjacent plots are separated by a wide row of quite tall coniferous trees of around 4-5 metres in height which provide a near impenetrable visual screen. Although it is possible that these conifer trees could be removed or considerably reduced in size at some point in the future, there is no indication before me of any intention to do so.
7. Consequently, these trees would largely screen the development proposal from No 2. Furthermore, due to the screening provided by the solid wooden gates to the side of No 182 the proposed development would not be particularly visible from the street.
8. Part of the area within which the detached outbuilding would sit is occupied by an open-sided shelter currently accommodating 2 cars. Behind this structure is the boundary with 180 Blacker Road. The boundary comprises a low dry-stone wall and some small deciduous trees. The trees would provide some screening for the development proposal but only during the summer months.
9. In March 2019 the Council approved an application for a Lawful Development Certificate for Proposed Development¹ (19/00037/CPL) for two detached outbuildings. One of those was the steel storage building that was later constructed and the second was for a building that would occupy almost the same site as that subject to this appeal. That L-shaped building, however, was set-in slightly further from the shared boundaries, was slightly smaller in area and was 1 metre lower in height than the proposal subject to this appeal. There is no impediment to the implementation of the fall-back option.
10. The proposed outbuilding would be about 8-10 metres from the host dwelling. It would result in the removal of the small open-sided shelter and would facilitate the removal and concealment of some of the vehicles parked within the open area of ground. Furthermore, the proposed construction materials would match those of the host dwelling. These are planning advantages which I have had regard to.
11. Nevertheless, due to its scale and mass, the proposal would not be subordinate or subservient but would instead overwhelm the host dwelling. In coming to this view, I have taken note of the fall-back option arising from the approval of application 19/00037/CPL. However, this is for an outbuilding which is slightly smaller in area and lower in height. Consequently, if implemented, it would not impose on the host dwelling to the same extent as the proposed development.
12. For the above reasons the proposal would harm the character and appearance of the host dwelling and the wider locality. Consequently, the proposal would fail to accord with Policies DC9 and DC10 of the Wakefield Local Development

¹ s.192 Town and Country Planning Act 1990.

Framework Core Strategy 2009 (CS) which encourage new development to respect the character of surrounding buildings and not cause significant harm.

13. Furthermore, it would fail to comport with the advice set out at Paragraph 1.12.10 of the Council's Residential Design Guide: Part 2 Guidance for Householders Supplementary Planning Document 2018 (SPD) that outbuildings must reflect the character of the host dwelling in terms of size and proportions. Finally, it would fail to comport with the advice set out in Paragraph 130 of the National Planning Policy Framework (the Framework) that new development should be of a high-quality design and accord with local design standards.

Living Conditions

14. The dwelling at No 2 is very close to the boundary with the appeal property. The development proposal would be largely screened from No 2 by the wide row of tall, thick coniferous trees situated along that boundary. Therefore, it would not constitute an oppressive feature when viewed from No 2 and, subsequently, would not harm the living conditions of current and future occupants of that property.
15. No 180 has a 2-storey extension to the rear and close to the boundary with the appeal site. A large window on the first-floor rear elevation of that extension would be just a few metres from the proposed development. The deciduous trees along the boundary between the two properties would provide only a limited amount of screening and then, only in spring and summer. Due to its height and its proximity to the window the large gable-end of the proposed outbuilding would constitute a dominant feature and result in an unacceptable loss of outlook for current and future occupants.
16. Because of the additional 1 metre height of the proposed outbuilding this loss of outlook would be substantially greater than any brought about through implementation of the fall-back option under 19/00037/CPL. If implemented the occupants of No 180 would look over the top of the fall-back option and, therefore, would not suffer from an unacceptable loss of outlook.
17. For the reasons set out above, the development proposal would harm the outlook for current and future occupants of No 180. Thus, the proposal would fail to accord with Policy D10 of the CS that requires that new development should not reduce the space between buildings if it would result in significant harm to the living conditions of the occupants.
18. Furthermore, it would fail to accord with Paragraph 127f) of the Framework which advises against the approval of new development that does not respect the needs for the high standard of living conditions for current and future occupants. Finally, it would fail to accord with the advice set out at Paragraph 1.12.10 of the Council's SPD that new outbuildings should respect neighbouring developments.

Conclusion

19. For the reasons set out above the appeal should be dismissed.

William Walton

INSPECTOR