



Appeal Decision

Site visit made on 26 January 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Appeal Ref: APP/X4725/W/20/3261257

28 Castle Lodge, Castle Road, Wakefield WF2 7LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Laurena Homes (Sandal) Ltd against the decision of City of Wakefield Metropolitan District Council.
- The application Ref 18/02276/S7302, dated 29 April 2020, was refused by notice dated 27 July 2020.
- The application sought planning permission for variation of condition 1 (plans - to incorporate additional residential accommodation at rooftop level in an additional storey to each of the side extensions) and condition 8 (materials to the side extensions) of approved application 18/02276/S7301 dated 5.03.2020 (Variation of condition 1 (plans - roof plan) and removal of condition 8 (renewables) of approved application 18/02276/FUL dated 12.07.2019 (for the refurbishment and conversion of redundant nursing/care home [including demolition works] to create 3No. 1 bed apartments, 1No. 2 bed apartment and 2No. 3 bed apartments with two new build extensions to create 10No. 2 bed new build apartments, the existing dwelling to be used for ancillary accommodation to the main building with associated new access, car parking and landscaping works [part retrospective]).
- The conditions in dispute are Nos 1 and 8 which state that:
 - **Condition 1:** The development hereby approved shall be carried out strictly in accordance with the following approved plans as listed below and at the end of this decision notice unless required otherwise by this decision or its attached conditions:

Y81:1071.01 Site Location Plan
P17-01071 Rev 03 Topographical Survey
P17-01071 Rev 01 Building Survey
Y81:1071.10 Existing Basement
Y81:1071.11 Existing Ground Floor
Y81:1071.12 Existing First Floor
Y81:1071.13 Existing Second Floor
Y81:1071.14 Existing Boundary Wall Street Elevation
Y81:1071.15 Rev A Existing & Proposed Dwelling Floor Plans
Y81:1071.16 Rev A Existing & Proposed Dwelling Elevations
Y81:1071.20 Rev A Proposed Site Layout
Y81:1071.21 Proposed Boundary Wall Street Elevation
Y81:1071.22 Rev A Proposed Site Layout in Context
1071.39 Proposed Basement/Level -1 Plan
1071.40 Rev A Proposed Level 1 Floor Plan
1071.41 Rev A Proposed Level 2 Floor Plan
1071.42 Rev A Proposed Level 3 Floor Plan
1071.44 Rev B Proposed Roof Plan
Y81:1071.49 Rev A Proposed Front Elevation

Y81:1071.50 Rev A Proposed Side Elevations
Y81:1071.51 Rev A Proposed Rear Elevation
Y81:1071.60 Rev A Proposed Site Cross Section A
Y81:1071.61 Rev A Proposed Site Cross Section B-B
Y81:1071.62 Rev B Proposed Site Cross Section C-C
Y81:1071.63 Rev A Proposed Site Cross Section D-D
Y81:1071.64 Proposed Cycle Store Plan & Elevations
Y81:1071.65 Proposed Garden Store Plan & Elevations
Y81:1071.66 Proposed Bin Store Plan & Elevation
Y81:1071.67 Proposed Car Parking Canopy
Y81:1071.70 Proposed 3D Views
Y81:1071.71 Proposed 3D Views
Y81:1071.72 Proposed 3D Views
R/2153/1A Landscape Layout
AWA2357 Arboricultural Report & Impact Assessment Dated September 2018
757/12.05B Design & Access Statement

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

- **Condition 8:** The development shall be constructed using the materials as specified in the Scheme of materials PRA Architects received 24 October 2019, Brickwork photographs PRA Architects received 29 November 2019 and Landscape Layout drawing no. R/2153/1c FDA Landscape Sept 2018 - submitted and approved under application reference 18/02276/SUB02 dated 13.12.2019 (to satisfy/discharge condition 9 imposed upon approved application 18/02276/FUL dated 12.07.2019) - which shall thereafter be retained for the lifetime of the development.
 - The reasons given for the conditions are:
 - **Condition 1:** For the avoidance of doubt as to what is authorised by this permission and in accordance with the National Planning Practice Guidance (Use of Planning Conditions, paragraph 022).
 - **Condition 8:** To ensure that the materials used respect the appearance and character of the host building and the appearance and character of the area, and to accord with Policy D9 of the Local Development Framework Development Policies Document and the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application which is the subject of this appeal was made under Section 73 of the Planning Act for minor material amendments to a development originally approved in July 2019. This type of application is possible as a condition was imposed on the original permission specifying the approved plans. The appeal seeks to vary this condition as well as a condition relating to materials.
3. There has been a previous permission¹ granted for the variation and removal of conditions placed on the original planning permission². The numbering and

¹ 18/02276/S7301

² 18/02276/FUL

wording of the conditions in the above banner heading reflects that used on the previous permission, and not the original planning permission.

Main Issues

4. The main issues are the effect of the proposal on the:

- Character and appearance of the appeal site and the area; and
- Living conditions of residents of Pinfold Grove with regards to outlook.

Reasons

Character and Appearance

5. The appeal site consists of the original Lodge set within a substantial plot. The Lodge building is of a fine Victorian domestic architectural quality. It is located in a pleasant suburban area which contains buildings of a variety of scales and designs. Due to the architectural quality of the Lodge building, means of enclosure and landscaping, the appeal site makes a positive contribution to the streetscape. The approved scheme includes two extensions of a significant scale located on either side of the original Lodge. The development had commenced at the time of my visit and appeared to be well-progressed.
6. The parapets of the flat roofed extensions complement the eaves line of the main Lodge, although the curtain walled stair cores immediately on either side of the central building project slightly above the eaves. The appellant contends that this design would give the development an unfinished appearance. However, based on what I have seen and read this is an appropriate approach to providing substantial new-built extensions whilst maintaining the visual importance of the imposing Lodge.
7. The appeal proposal seeks to vary this design by adding a mezzanine above each of the two extensions, which would project above the eaves of the original building as well as the stair cores. Due to the increase in height and the bulk resulting from the proposed extensions, I consider that this would significantly detract from the importance of the original Lodge building in views of the site from the surrounding area. Moreover, the box-like additions would give the resultant development an ungainly heavy-shouldered appearance to the detriment of the character and appearance of the Lodge and the site's contribution to the streetscape
8. The proposed cladding for the mezzanine additions would differ from the facing brickwork used for the extensions. This can be an appropriate approach to the design of set-back upper floors on a free-standing building. However, this material would not complement the roof slates used on the Lodge, and would not mitigate the harm arising from the incongruous relationship between the box-like additions and the pitched roof of the Lodge.
9. The extensions are set back from the front elevation of the Lodge, and the proposed additions would also be set back from the parapets of the flat roofed extensions. Whilst this arrangement would make some contribution to maintaining the visual importance of the Lodge, this would not be of a degree that would overcome my concerns resulting from the bulk and design of the appeal proposal, even in oblique views of the site.

10. The appellants contend that the proposal is viewed as conjoined buildings rather than extensions to the Lodge. However, even if that was the case I consider the proposed mezzanine additions would not sit comfortably in relation to the Lodge and would give the development an incongruous appearance which would detract from the contribution that the site makes to the area.
11. I conclude that the proposed amendments would be of a height, bulk and design which would lead to significant harm to the character and appearance of the appeal site and the wider area. The proposal would therefore conflict with the design requirements of policy CS 10 of the Core Strategy 2009 and policy D9 of the Development Policies Document 2009, as well as the advice of the Residential Design Guide 2018 (RDG). The proposal would also be contrary to the National Planning Policy Framework (the Framework) with regards to achieving well-designed places.

Living Conditions

12. Due to the layout of the area, the development is a dominant element in views from the rear of dwellings on Pinfold Grove. The prominence of the appeal site in these views is increased due to the sloping topography of the area.
13. I saw that the development is an imposing feature in views from the rear of Pinfold Grove, and the proposed increase in the bulk and massing of the development would be readily apparent from the dwellings to the rear, including views from the windows of the dwellings as well as the amenity area. Even allowing for the scale and set-back of the appeal proposal as well as separation distances, the proposed additions to the roof would unacceptably exacerbate the dominance of the development in the outlook from dwellings on Pinfold Grove.
14. The proposal would exceed the Council's recommended separation distance as set out in the RDG. However, I am mindful that the RDG is guidance and that an assessment of the particular circumstances of the site is appropriate. Due to the characteristics of the appeal proposal, including its bulk, design and the topography of the area, consideration of the separation distances set out in the RDG does not lead me to a different conclusion on this issue based on my own observations. Although a degree of shielding would be provided by trees to the rear of the site, these would not completely obscure views of the proposal from Pinfold Grove. Furthermore, the proposed additions would be visible when the trees are not in leaf.
15. I conclude that due to its height, scale and arrangement, the proposal would have an unacceptable overbearing impact on the outlook from properties on Pinfold Grove, with significant harm to the living conditions of residents. The proposal would therefore be contrary to the amenity requirements of policy D9 of the Development Policies Document as well as the advice of the RDG in respect of avoiding an overbearing impact on adjacent properties and amenity areas. The proposal would also be contrary to the Framework in respect of providing a high standard of amenity for existing and future users of properties.

Other Matters

16. There is some disagreement between the parties as to whether the property is a non-designated heritage asset. However, the Council considers that the appeal property is neither a designated nor non-designated heritage asset. The Council's Questionnaire also confirms that the site is not within or adjacent to a Conservation Area and that it would not affect the setting of a Listed Building. Whilst I have had regard to the heritage considerations raised in the Heritage and Design Statement, this does not lead me to a different conclusion in respect of the main issues in this appeal.
17. The Council's decision and details submitted with the appeal refer to a variation of Condition 8 which relates to materials to the side extensions. The Council Officer's report indicates that amendments to the materials on part of the second floor front elevation are considered to be appropriate. However, had I been minded to allow this appeal then materials used for the mezzanine additions would also need to be controlled. That said, the suggested condition 8 in the appellant's statement of case is the same as used on the previous permission. The same also applies to condition 11 regarding materials in the Council's suggested Schedule of Conditions, which the appellants have confirmed they have no objections to. On that basis, I consider that Condition 8 of the previous permission should remain unaltered.
18. I am mindful of the benefits of the proposal. The additions would improve the quality of accommodation provided by the development, although the evidence suggests that the accommodation as originally proposed is of good quality. The potential improvements to accommodation therefore carry no more than limited weight in favour of the appeal. The proposal may increase the efficient use of the site through an increased extent of accommodation, but this benefit would be limited in comparison to the extent of accommodation previously permitted. The contribution to economic growth compared to the original development would be minimal at most, at both the construction phase and subsequent occupation. When considered individually and as a whole, the no more than limited benefits which would arise from the proposal would not outweigh the significant harm I have identified.

Conclusion

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

David Cross

INSPECTOR