



Appeal Decision

Site visit made on 15 March 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2021

Appeal Ref: APP/X4725/W/20/3263722

Land south of 82 Womersley Road, Knottingley WF11 0DL

- 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 D Noble, D. Noble Ltd against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/01840/FUL, dated 31 August 2020, was refused by notice dated 27 October 2020.
 - The development proposed is 1No. dwelling on residential land.
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Decision

1. The appeal is allowed and planning permission is granted for 1No. dwelling on residential land at land south of 82 Womersley Road, Knottingley WF11 0DL in accordance with the terms of the application Ref 20/01840/FUL, dated 31 August 2020, subject to the attached schedule of conditions.

Background and Main Issue

2. The site forms part of a wider housing allocation¹ and planning permission was granted in 2019 for a residential development at the former quarry and landfill site². On my site visit I observed that work had commenced for that development. I understand that the approved application originally included a dwelling similar to that proposed which was removed from the scheme in order to address objections.
3. Furthermore, planning permission for a similar development was refused in August 2020. The Council considered that the scheme did not respect or enhance the character of the area and would reduce the quality of the setting of the approved residential development. The design of the dwelling has been amended to address the first reason for refusal and to reduce its impact upon No 82 Womersley Road. The Council is satisfied that the issue relating to the first reason for refusal has been addressed and I see no reason to disagree.
4. Consequently, the main issue is the effect of the proposed development upon the setting of the approved residential development.

Reasons

5. The appeal site relates to a plot between a closed quarry and landfill site and 82 Womersley Road. Local residents have stated that the site has functioned as

¹ HS 40

² 18/01920/FUL

- public open space for a long period of time. In contrast, the appellant states that the site has always been in private ownership and formed the entrance to the former quarry site.
6. Womersley Road has a mixed street scene as it contains dwellings which vary in design, scale, siting and massing. In this section of the street scene the opposite side of the road is less developed due to the cemetery and area of open grass adjacent to The Poplars.
 7. The housing allocation development brief did not refer to the importance of the site entrance. Similarly, there is no substantive evidence before me which demonstrates that the undeveloped site entrance was a key feature of the approved scheme. Nonetheless, the Officer's Report, of the approved development, states that the small landscaped area would be likely to represent a considerable improvement on the current appearance of this land. I note that the appeal site was formerly overgrown.
 8. The approved site plan shows the appeal site being undeveloped. There is a planning condition which requires the provision of a landscaping scheme covering each phase of the approved development. However, based on the evidence submitted, nothing has been approved nor agreed between the appellant and the Council as to the future use of the appeal site. Consequently, the detail of the landscape treatment is yet to be agreed.
 9. The road adjacent to the appeal site would be the only access point to the new residential development. The boundary of the garden would abut the footway of the proposed new estate road. I note that details of the boundary treatment could be conditioned to ensure that it is appropriate in the context of the surrounding area. The introduction of a two-storey dwelling, as well as boundary treatment, would reduce the openness of the access to the residential development and the intervisibility between Womersley Road and the approved development.
 10. Large gaps between buildings are not characteristic of the new development or the surrounding area. The combination of the width of the road, apartment parking, garden area of 88 Womersley Road and the cemetery opposite the site would ensure that there would still be a degree of openness and intervisibility between the site and surrounding area. The parking area and garden area of No 88 would provide a break in buildings when entering and leaving the new estate.
 11. The introduction of a dwelling within this location would not appear out of place nor cramped given the context of the existing dwellings and proposed estate, of which openness is not a key element. Thus, the development of this plot would not significantly harm the setting or attractiveness of the gateway to the approved development and the design quality of the scheme would be maintained.
 12. The development of this plot would also help to ensure that the development integrates with the surrounding area because it would visually connect the site with dwellings situated on Womersley Road. In addition, it would provide a degree of symmetry with No 88 which is located to the opposite side of the site entrance. It is clear that the dwelling has been designed so that the side elevation, adjacent to the new estate road, would be relatively well fenestrated. The use of windows and a mix of materials would add visual

interest. A condition could be attached to ensure that the materials are of high quality.

13. For the above reasons, the proposed development would not adversely affect the setting of the approved development. Accordingly, the scheme would comply with Policy CS10 of the Local Development Framework: Core Strategy (2009) and Policy D9 of the Local Development Framework: Development Policies Document (2009). These policies collectively seek, amongst other matters, to ensure new development is of good design and makes a positive contribution to the environment and respects or enhances the character of the locality.

Other Considerations

14. I have had regard to the concerns raised by local residents. These concerns relate to the effects on: effect upon the living conditions of neighbouring occupiers, highway safety, air and noise pollution, conflict with the Green Belt, the creation of a precedent and poor public consultation. I note that the Council did not refuse the planning application on these matters and I see no reason to disagree.
15. Based on the evidence before me, the side elevation of No 88 does not contain any primary or secondary windows and there is a large gap between the appeal site and No 88. The separation distance between the proposed property and No 82 is less. I understand that the side elevation of No 82 contains a kitchen and bedroom window.
16. The distance between these windows and the side elevation of the proposed development would not meet the recommended distances contained within the Wakefield District Residential Design Guide (2018) (RDG). Nevertheless, the RDG is guidance rather than a fixed planning policy requirement. The scheme would not adversely effect the living conditions of the occupiers of No 82 to a degree that would warrant planning permission being refused. This is due to the distance between the side elevation of the proposed dwelling and side elevation windows of No 82, roof design of the proposed dwelling, not intrude beyond a 25 degrees angle, use of No 82's windows and additional windows serve the bedroom. Thus, the development would not have an unacceptable effect upon the living conditions of the occupiers of neighbouring properties.
17. Noise and air pollution disturbance to neighbouring residents during construction is inevitable but would be temporary and does not amount to a reason to withhold planning permission particularly given the approved estate which would give rise to similar disturbances.
18. No substantive evidence has been submitted to demonstrate that the proposal would have an unacceptable impact on highway nor pedestrian safety and I see no reason to reach a different view to the Council in that respect.
19. The site is not located within the Green Belt and therefore this is not relevant to the proposed development. It is not clear why local residents consider the scheme would set a precedent. Nonetheless, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this regard.
20. I note the concern regarding poor consultation. However, there is no evidence before me which demonstrates that the developer has not carried out adequate

consultation. In any event, this would be a matter to take up with the Council and does not impact the planning merits of the case.

Conditions

21. Several conditions have been suggested by the Council. The appellant has confirmed that they accept all the conditions other than the construction method statement condition. The suggested conditions have been assessed in light of guidance found in the Planning Practice Guidance and where necessary the wording has been amended for clarity and precision.
22. It is necessary to attach a condition specifying the approved plans as this provides certainty. Conditions relating to materials and landscaping are necessary in order to preserve the character and appearance of the area. A condition concerning boundary treatment is necessary for the same reason and also in the interests of safety and security as well as to safeguard living conditions of existing and future occupiers.
23. The appellant highlights that a construction method statement has already been submitted as part of the approved application. They have therefore suggested linking the previous condition in this regard. I have attached a condition ensuring that the development is carried out in accordance with the approved construction method statement. This is necessary to provide certainty to ensure that the development would not have an unacceptable effect upon highway safety and the living conditions of the occupiers of neighbouring properties.
24. A condition relating to finished site levels is necessary to protect the living conditions of existing occupiers and to ensure that there is a broadly consistent level of road, paths and houses and landscaping across the surrounding area. In order to ensure that satisfactory drainage is provided a condition is also necessary.
25. Furthermore, in the interest of highway safety, a condition relating to the proposed access is necessary. Additionally, a condition relating to land contamination is necessary given the former use of the site and to ensure the risks from land contamination to future users, existing occupiers, the environment and workers are minimised.

Conclusion

26. For the reasons given above, the appeal should be allowed.

L M Wilson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 678/P/176/01 (Location Plan), 678/P/02R (Proposed Site Layout (Sh 1)) and 678/P/39B (Dwellings- Type KZ3).
- 3) No above ground construction works shall commence until details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 4) The development hereby permitted shall be carried out in accordance with the approved Construction Method Statement required by planning permission reference: 18/01920/FUL.
- 5) No above ground construction works shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building and hard landscaped surfaces, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) The dwelling shall not be occupied until the drainage works specified on the following drawing have been completed: 116.003 SK01 C (Drainage Feasibility Gravity Option). There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works. The drainage infrastructure shall be maintained in accordance with the approved details.
- 7) The development hereby permitted shall not be occupied until details of the boundary treatment have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be carried out in accordance with the approved details before the dwelling is occupied and retained thereafter.
- 8) The dwelling shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. planting plans and schedule (including cultivation and other operations associated with plant and grass establishment);
 - ii. hard surfacing materials; and
 - iii. bin storage arrangements.

The landscaping works shall be carried out in accordance with the approved details before the dwelling is occupied. If, within a period of 5 years from the date of planting any tree, shrub or hedge, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree, shrub or hedge of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or

death of the original tree, shrub or hedge unless the local planning authority gives its written consent to any variation.

- 9) The dwelling shall not be occupied until the dropped crossing access and all areas indicated to be used for vehicles and pedestrians on drawing: 678/P/02R (Proposed Site Layout (Sh 1)) have been laid out with a hardened, sealed and drained surface. Such areas shall be retained as such for the lifetime of the development.
- 10) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified and remediated within the wider site and conditions relating to planning permission Reference: 18/01920/FUL shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.