
Appeal Decision

Site visit made on 6 July 2021

by C Coyne BA (Hons) DipTP DipERM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2021

Appeal Ref: APP/X4725/D/21/3272979

3 Vicar Lane, Ossett WF5 0BE

- 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 Antony Barnett against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 20/01676/FUL, dated 14 August 2020, was refused by notice dated 24 February 2021.
 - The development proposed is described on the application form as 'installation of timber decking and pergola in corner of garden. 3 sides of pergola to have screening formed with standard 5 foot high fence panels, top of pergola open to elements'.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. However, given the nature of the refusal reasons, the main issues and the Development Plan policies upon which the refusal reasons are based, on this occasion I consider that the publication of the revised Framework does not directly alter the assessment of this appeal.
3. The Council have described the development as 'Proposed pergola and timber decking (retrospective)'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.
4. When on my site visit, I observed that the proposed development had already been erected. Notwithstanding the proposal being in place, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the pupils and staff of the adjacent school having regard to matters of privacy.

Reasons

Character and Appearance

6. The proposal is located within the front amenity space of a detached, two-storey dwelling with a traditional vernacular design and stone exterior material finish. There is also outdoor amenity space to the side of the dwelling. The rest of the outdoor space to the front of the property comprises a cobbled vehicular parking area and access. The property is directly adjacent to a school playground with the school building itself being just beyond it.
7. The appeal site also bounds Vicar Lane, as does the school and several other properties within the village. On the side of Vicar Lane to which both the appeal property and the adjacent school belong, the boundary treatments facing the highway comprise a low stone wall. At the part of the appeal site on the other side of the vehicular access to the proposal there is also hedging on top of this part of the boundary wall. There is no such landscaping on top of the portion of the boundary wall next to the proposal or that of the adjacent school which stretches a good distance further along the lane.
8. Given that the proposal is situated right next to the front and side boundary of the appeal site close to the highway, I consider it to be in a visually prominent location. Consequently, given that the proposal would not be screened from view in any way and that it would project almost 1 metre above the height of the existing low boundary wall, I find that it would represent an incongruous addition to the street scene thereby having a significant adverse visual impact.
9. While I note that the adjacent school has various items and paraphernalia within its playground and exterior space, including a relatively large pergola, these are not located right next to the boundary fronting the highway nor do they project above it. As a result, I do not find them to be comparable to the proposal. Furthermore, even with its green canvas roof covering, given its location next to the school building and distance from the boundary wall I consider the school's pergola to be neither visually discordant nor obtrusive.
10. I also note that there are two similar structures to the front and side of nearby properties. However, these do not form the prevailing pattern of development in the area, and I would by no means consider such structures to be a predominant visual feature within it. Moreover, when viewing the timber-clad container to the side of the church from the other end of the lane, much of it is screened from view by the shrubbery growing on the boundary wall on that side whereas the proposal is clearly and distinctly visible when viewed from the same vantage point.
11. I therefore conclude that the proposal materially harms the character and appearance of the area in conflict with the requirements of Policy CS 10 of the adopted Local Development Framework Core Strategy (CS) and policies D 9 and D 10 of the adopted Development Policies Document (DP). Given the lack of substantive evidence demonstrating that the appeal property is a Building of Local Interest I have been unable to reach a conclusion as to whether the proposal complies with Policy D 19 of the DP.

Effect on school pupils and staff

12. Given its location and design the proposal would lead to overlooking of the adjacent school playground and I note that there was already some overlooking of the playground from the appeal property prior to the introduction of the proposal. However, prior to the introduction of the proposal there was only a small area of amenity space to the front and side with most of the outdoor area to the front,

being used as a driveway and parking area. This combined with the fact that there is only one small window on the host property's side elevation means that the level of overlooking at that time was likely to be less than it is currently.

13. Consequently, the introduction of the proposal has likely increased the level of overlooking of the playground from the appeal property. In addition, should the proposed removal of every second slat of wood from its side panels be implemented this frequency of overlooking would likely increase further still. The proposal is also not at all screened. As a result, the proposal has an adverse impact on the privacy of the school pupils and staff using the playground.
14. I therefore conclude that the proposal materially harms the privacy of the pupils and staff of the adjacent school thereby failing to meet the requirements of Policy CS 10 of the CS and policies D 9 and D 10 of the DP.

Other Matters

15. The Council have stated that the appeal property is a Building of Local Interest (BLI). However, as stated above, even though this has been acknowledged by the appellant, I have no substantive evidence before me to say whether it is indeed a BLI. In any event, as I am dismissing the appeal on other substantive grounds, I have not considered this matter further.
16. I acknowledge that several interested parties support the proposal. However, this matter is not of sufficient weight to overcome or outweigh the harm I have identified above.
17. I note the appellant's points with regards to similar developments in the area. However, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken. In addition, the first one (Ref. 19/02151/FUL) relates to a timber clad storage container which is a good distance from the boundary with Vicar Lane and is partially screened with the second example being smaller than the proposal with no openings fronting the highway. Therefore, the circumstances applicable to these schemes are not the same as those presented in this case, which I have determined on its own merits. In any event, the existence of other similar developments in the locality does not alter, overcome, or outweigh my findings in respect of the main issues above.

Conclusion

18. The proposal would not accord with the development plan when read as a whole and there are no material considerations which indicate a decision otherwise than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR