



Appeal Decision

Site visit made on 27 September 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2021

Appeal Ref: APP/X4725/W/21/3277321

The Workshop, 48 Dale Street, Ossett, Wakefield WF5 9HQ

- 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 John Pickersgill against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/00014/FUL, dated 11 December 2020, was refused by notice dated 8 March 2021.
 - The development proposed is described as side elevation and first floor extension works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I sought clarification from the main parties regarding which drawings were considered by the Council. They agree that the decision was based on the originally submitted drawings and not the revised drawings submitted with the appeal. The appellant has emphasised that the revised drawings were discussed with the Council.
3. Generally, proposals cannot be amended through the appeal process. Where an appeal is made it is made against the decision of the Council and based on the plans submitted at the application stage.
4. To consider an appeal on the basis of the amended scheme without the ability to undertake a revised consultation exercise would be unfair and could prejudice the position of those who may wish to comment on the proposal. I also note that the revised plans represent a significantly different scheme, in terms of scale and bulk, which are integral to the assessment of the proposal. Consequently, I have determined the appeal on the basis of the plans originally submitted to the Council. Any amended proposal would be a matter for the Council to consider.
5. Since the application was determined, a revised version of the National Planning Policy Framework (the 'Framework') has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal.

Main Issues

6. The main issues are the effect of the proposed development on:

- The character and appearance of the surrounding area; and
- The living conditions of the occupiers of 2 Binks Yard, having regard to outlook.

Reasons

Character and Appearance

7. The host building is a single storey, brick-built workshop. It is set back from Dale Street, but it is clearly visible from various surrounding vantage points as the boundary treatment is low and the frontage is essentially open. The building currently has a neutral impact upon the surrounding area, and I observed on my site visit that its external appearance was in reasonable condition.
8. Within the surrounding area are a mix of residential properties and commercial units. The surrounding area is characterised by primarily traditional brick-built buildings and there are also rendered buildings nearby.
9. Although the scheme would not significantly increase the footprint of the building, it would substantially increase its massing and scale due to the increase in height. The proposal would add a significant amount of bulk to the building and would incorporate metal faced cladding. The cladding would draw the eye because it would be out of character with the materials used within the surrounding area, particularly the neighbouring residential properties. The proposed development would be an incongruous and prominent addition which would result in poor design and not enhance the character of the locality. This is by virtue of its scale, height, flat roofed design and proposed materials.
10. For the reasons given above, the proposed development would cause harm to the character and appearance of the surrounding area. Consequently, it would conflict with Policy CS10 of the Council's Local Development Framework: Core Strategy (2009) (CS) and Policy D9 of the Council's Local Development Framework: Development Policies Document (2009) (DPD). These seek, amongst other matters, to promote good design and to ensure proposals respect, and where appropriate enhance the character of the locality in terms of design, scale, massing, height, density, layout, materials and colour.
11. It would also conflict with chapter 12 of the Framework which promotes good design and requires development to be visually attractive and sympathetic to local character.

Living Conditions

12. The host building adjoins No 2 Binks Yard which is the end property of a terrace. The front elevation windows of No 2 face towards the appeal site. These windows serve habitable rooms. The proposed development would significantly increase the level of built development in proximity to these windows.
13. The appellant states that Binks Yard provides low cost rentable properties and does not offer good standard of amenity. However, regardless of the type of residential accommodation, the proposal should not result in harm to the living conditions of the occupiers or unacceptably worsen existing circumstances.

14. The proposal would significantly compromise the outlook from No 2's front elevation windows. This is due to the siting of the appeal building and No 2 as well as the proposed increase in built development in proximity to the windows. The scheme would be overbearing and dominating when viewed from these windows and would result in an oppressive form of development which would create a claustrophobic feeling.
15. For the reasons given above, the proposed development would adversely affect the living conditions of the occupiers of No 2, having regard to outlook. Accordingly, it would not comply with Policy CS10 of the CS and Policy D9 of the DPD. These Policies seek, amongst other matters, to ensure proposals have no significant detrimental impact on the amenity of neighbouring residents.
16. The scheme would also conflict with chapter 12 of the Framework which promotes good design and requires new development to provide a high standard of amenity for existing users.

Other Matters

17. The appellant has raised a range of other matters including that the scheme would not affect the vehicle access and it would provide additional storage, a larger workshop, as well as a safer, sustainable and modern working environment which would comply with the Health and Safety Executive's advice. They also suggest that the building is not structurally safe. However, they have not provided any evidence to demonstrate that this is the case.
18. I understand the appellant's desire to comply with DDA standards and to make the building more accessible. I must have due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics includes a person's disability. I do not doubt the appellant's intentions. Nonetheless, this must be balanced with the significant adverse impacts of the proposal identified earlier.
19. Having carefully weighed the potential benefits of the scheme, I therefore consider that dismissal of the appeal is a proportionate and necessary response having regard to the legitimate and well established planning objectives of protecting the character or appearance of an area and creating places with a high standard of amenity. There is moreover no robust justification before me which demonstrates that achieving such benefits in terms of accessibility are inherently reliant on the particular scheme before me.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

L M Wilson

INSPECTOR