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# Appeal Decision

Site Visit made on 15 September 2021

**by Paul Martinson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 October 2021**

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**Appeal Ref: APP/X4725/W/21/3276959**

**Land adjoining 1 Durkar Lane, Wakefield WF4 3AF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Ali Asgari against the decision of Wakefield Metropolitan District Council.
  - The application Ref 20/00542/OUT, dated 5 March 2020, was refused by notice dated 28 April 2021.
  - The development proposed is described as 'single dwelling'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative.
3. I have taken the site address from the Appeal Form as this is more accurate than the version provided on the Application Form.
4. I have taken into account the revised National Planning Policy Framework ('the Framework'), as published on 20 July 2021. Any reference to the Framework below is consequently a reference to this latest revised version.

## Main Issue

5. The main issue is whether the proposed development would provide acceptable living conditions for future occupants.

## Reasons

6. The appeal site is a narrow irregularly shaped parcel of land located on a tight bend in the road between two residential properties. The area is predominantly residential in character and the dwellings in the vicinity of the appeal site tend to have small front garden areas enclosed by low walls or railings with more private enclosed gardens to the rear.
7. The southern part of the appeal site includes a small single storey building which is positioned close to the boundaries with 1 Durkar Lane and 445 Denby Dale Road East. The northern part of the appeal site tapers to a point close to the bend in the road. The boundaries with the road are demarcated by a low fence with gates to the vehicular access alongside the building.

8. On the site visit I saw that this road was busy and well used by buses and lorries as well as cars. Due to the tapered nature of the site and the position of the bend, vehicles negotiating the corner are highly visible from almost all parts of the site and traffic noise levels are reasonably high for a residential area.
9. Whilst the application has been submitted in outline form, any boundary features agreed through a subsequent reserved matters application would need to reflect the surrounding low walls and railings, in the interests of the character and appearance of the area. Such boundary treatments would enable road users, slowing to negotiate the bend, to easily overlook any amenity space, as they are able to do over the existing boundary fence. This would be easily apparent to future occupants of the proposed dwelling, as the moving traffic draws the eye. This, alongside the associated noise is likely to severely limit the use and enjoyment of the area by future occupants of the proposed dwelling.
10. The indicative site plan shows the proposed dwelling positioned close to the road in the southern part of the site and retention of the existing access, leaving the tapered part of the site as amenity space. Given the limitations of the site, it is likely that a reserved matters application would propose siting the dwelling in its wider part. However, due to the narrowness of the site and its proximity to the busy road, whichever part of the site was used as amenity space, it would be likely to be of extremely poor quality.
11. The appellant has demonstrated that a garden area can be provided which achieves the minimum required space of 75 square metres as set out in the Wakefield District Residential Design Guide Part 1 ('the SPD'). However, the indicative plans show that some of this space would be taken up by a vehicle turning area. Furthermore, I have found that the remainder of the space would be lacking in privacy and subject to traffic noise, which is likely to limit the appeal of the area to future occupants of the dwelling. The proposal would therefore conflict with 2.15 of the SPD which guides that: "Whatever the size or type of home, private outdoor space should be provided for each home to allow for sitting outside, playing and drying clothes."
12. Whilst the re-use of previously developed land would be a benefit of the proposal, this would not outweigh the harm that I have identified above. In this regard, neither the support for new housing or development with positive outcomes in the development plan or the Framework is unconditional.
13. Owing to the constraints of the site, the dwelling would inevitably be small and positioned close to the boundaries with neighbouring properties. Consequently, window openings would need to be limited to positions that did not result in unacceptable overlooking of the neighbouring properties. I accept that this has the potential to result in cramped living conditions. Nevertheless, the information before me is limited in this respect and these are matters that could be considered in detail at the reserved matters stage.
14. Nonetheless I have found that the proposal would fail to provide acceptable living conditions for future occupants with regard to amenity space and as such the proposal would conflict with Policy CS10 of the Wakefield Core Strategy (2009) and Policy D9 of the Local Development Framework Policies Document (2009) and the SPD which seek to ensure new housing development provides good design with regard to living conditions including prospective occupiers.

## **Other Matters**

15. The appellant has stated that a hedge could be planted which could provide privacy to the proposed amenity space. Whilst this may help to screen this area, I note that it would take some time to establish during which time there would be a lack of privacy for future occupants. Furthermore, hedges change over time and cannot be relied upon to provide consistent levels of screening into the future. I have reasoned above that more substantial boundary features would be incongruous in this location. I therefore cannot be certain that potential boundary treatments would adequately protect the privacy levels of future occupiers of the proposed dwelling. I have also found that any amenity space would also be poor quality due to its small size and the proximity of the road.

## **Conclusion**

16. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*Paul Martinson*

INSPECTOR