
Appeal Decision

Site visit made on 30 November 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Appeal Ref: APP/X4725/D/21/3281650

4 The Balk, Walton, Wakefield, WF2 6JS

- 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 Mrs Jane Muller against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/02862/FUL, dated 29 December 2020, was refused by notice dated 15 June 2021.
 - The development proposed is a log cabin to front (retrospective).
-

Decision

1. The appeal is allowed, and planning permission is granted for a log cabin to front (retrospective) at 4 The Balk, Wakefield, WF2 6JS in accordance with the terms of the application, Ref 20/02862/FUL, dated 29 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be retained accordance with the plans submitted with the application.
 - 2) Within 3 months of the date of this decision, there shall have been submitted to, for the approval in writing by, the local planning authority a scheme of landscaping to provide replacement tree planting to maintain and improve the continuity and sustainability of tree cover on the site. The scheme shall include planting plans, written specifications and timescales.
 - 3) The landscaping works shall be carried out in accordance with the approved details, managed and maintained in accordance with the approved scheme of landscaping.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording, matching that used on the Decision Notice has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, as both parties have used this description in their submissions, and it is a much clearer description of the development proposed, I have used it in my heading above.
3. Parties agree that the appeal development has already taken place, and I was able to see it on my site visit.

Main Issues

4. The main issues are the effect of the appeal development on i) the character and appearance of the area, and ii) the continuity and sustainability of tree cover in the location.

Reasons

Character and appearance

5. The appeal development lies to the front of a house on The Balk, within the historic core of Walton, as defined in the Walton Neighbourhood Plan (the NP), but not within a conservation area. The development is a home-office building, not unlike a garage or other outbuilding in terms of form, material and spatial relationship to the site and its surroundings. These are not uncommon in the area and I was able to see numerous garages and outbuildings in front, side and rear gardens, both contemporary with, and more recent than, their host properties.
6. Whilst I acknowledge comments that the appeal development is not permitted development, that was of course the reason for the appeal application. The appeal development does not stand to be judged against what is allowed under the permitted development regime, but in terms of its effect on the character and appearance of the area, having regard to the relevant development plan policies.
7. Broadly, those policies, supplemented by design guidance seek to prevent harm to the character and appearance of the area. However, as I have noted above, outbuildings to the front of houses are not entirely alien to this area. Furthermore, the scale of the appeal development, relative both to the site boundaries, the overall size of the site, and the size of the host property all limit the apparent visibility and effect of the appeal development on the established character and appearance of the area. These effects are further limited by the materials used, which are of a relatively soft, recessive appearance.
8. Although the appeal development is visible in the street-scene, I do not consider that it is so prominent, or so obviously different or otherwise incongruous that it causes any harm to that established character and appearance. The development is limited in scale, particularly relative to the size of the host property, the overall site and surrounding boundary treatments.
9. In addition, I find that the mixed appearance of the area around the site, in which houses exhibit a wide range of ages, forms, scales, materials, and in which those houses have a variety of relationships to their plots, streets and neighbouring properties, and an equally wide range of approaches to front boundary materials and levels of planting within those sites, all limit the degree to which the appeal development could be considered incongruous or discordant given the mixed setting, character and appearance of the surrounding area.

10. As mentioned above, the site lies within the historic core, defined in the NP. This seeks to ensure that new development recognises the local distinctiveness and importance of the historic core, with particular reference to location, scale, design and materials. I am satisfied that despite its location, the appeal development respects the aims of the historic core designation, and the specific requirements of Policy 4 of the NP. As noted, buildings to the front of houses are not entirely unusual in the area, and this particular development does not affect views of heritage assets, and by virtue of its scale and visual relationship to the host dwelling, boundaries and street-scene, respects the existing scale and character, as well as the overall character and appearance of established building lines and boundaries.
11. I note the suggestion in the Residential Design Guide that the Council will not accept outbuildings that are prominently located, or otherwise forwards of the front of the house. However, the Residential Design Guide clearly states that its role is to provide detail on policies, their application and interpretation, not replace them or otherwise supersede them. The development plan policy does not necessarily impose such a tight restriction, but instead seeks to ensure compatibility of proposals with the established character and appearance of the surroundings, including regard to design, scale, massing, height, density and layout. I have found above that the appeal development achieves the compatibility required by the development plan policy.
12. As noted above, the site lies within the historic core of Walton, and there are apparently listed buildings nearby. Although the Questionnaire states that the appeal site does not affect the setting of a listed building, the Council has nevertheless suggested that the appeal development causes less than substantial harm to their significance as a result of its effect on their setting.
13. I have had regard to the scale of the development as well as its spatial and visual relationship to the listed buildings which the Council says are located along Shay Lane at Priory Square. As a result of that limited scale, the obviously contemporary appearance, recessive materials, and the intervening development and distance, I am satisfied that the development would not harm the setting of those listed buildings, sufficient to cause any harm to their significance as heritage assets. I am also satisfied that the appeal development would not harm the significance of the historic core as a non-designated heritage asset.
14. I therefore find that the design, siting and materials of the appeal development are not incongruous or discordant, and as such significant harm to the character and appearance of the area does not result. The appeal development does therefore comply with Policies CS10, D9 and D10 of the Local Development Framework Core Strategy and Development Policies Document (the DPD). These policies seek, amongst other things, to ensure that development is of high-quality design, and is contextually appropriate with regard to form, scale, siting, materials, as well as the overall character and appearance of the area. The appeal development also complies with guidance on interpreting and applying those policies as set out in the Residential Design Guide, and guidance in the National Planning Policy Framework (the Framework) on achieving well-designed places.

Trees

15. The area beyond the appeal site, notably further along The Balk and opposite the site is characterised by both mature trees and other domestic planting, contributing to the wider character, context and backdrop to the appeal site. The appeal development apparently lies on the site of a previously removed, protected tree. That the protected tree was removed is apparently not at issue, but there appears to be some confusion in the evidence before me as to the status of either a replacement tree, the requirement for it or the status of other trees which may or may not be protected on the site.
16. Regardless of that confusion, which it is neither within the remit of this appeal to resolve, nor strictly relevant, there are, at the time of my site visit, no trees at the front of the site. Dismissing the appeal would not, in itself alter this.
17. However, the appellant has suggested that any planning permission could be granted subject to a landscaping condition, requiring the planting of suitable replacement trees. I consider that such planting, secured through condition, could contribute towards the continuity and sustainability of tree cover in the area and would limit any long-term harm from the previous removal of trees, particularly as it appears nothing has been done in this regard so far.
18. As a result, I find that the appeal development can be made acceptable with regard to the continuity and sustainability of tree cover in the location, in line with Policy D7 of the DPD.

Other Matters

19. I note concerns over the appeal development setting a precedent for other such development in the area. Consistency in decision making is an important part of the planning process, but all decisions are made on the particular merits of the case, including consideration of the peculiarities of the site, its surroundings and the effects of a development. Although in this case, on this site, in relation to the context of this site I have found that the development would be acceptable, those conclusions do not necessarily have relevance beyond the particular circumstances of this development and would not harm the ability of the Council to refuse inappropriate or otherwise harmful development proposals elsewhere.

Conditions

20. Having had regard to the requirements of the Framework, the Planning Practice Guidance and the comments of the Council and the appellant I have imposed a standard condition concerning requiring compliance with the submitted plans (1). As the development has already taken place, there is no need for an implementation condition. In response to the suggestion of the appellant, and in response to my second main issue, I have imposed a condition requiring the submission, approval and implementation of a scheme of planting to replace trees lost on the site, to the satisfaction of the Council. This is necessary in order to ensure the satisfactory appearance of the completed development and to restore the continuity and sustainability of tree cover in the location. I consider that the proposed conditions are more appropriate than those suggested by the Council, the content and detail of which can be included within the scope of the condition I have imposed.

21. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

22. For the reasons given above I conclude that the appeal development accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR