



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/W/21/3280745

26 Darnley Avenue, Wakefield, West Yorkshire, WF2 9QH

- 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 A Bhatti against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/00413/FUL, dated 19 February 2020, was refused by notice dated 4 June 2021.
 - The development proposed is a to demolish the existing single storey garage and construct a 2-storey garage space”.
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Decision

1. The appeal is allowed, and planning permission is granted to demolish the existing single storey garage and construct a 2-storey garage space at 26 Darnley Avenue, Wakefield, WF2 9QH in accordance with the terms of the application, Ref 20/00413/FUL, dated 19 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby approved shall be carried out strictly in accordance with the following approved plans as listed below and at the end of this decision notice unless required otherwise by this decision or its attached conditions: Location Plan – Drawing no: 01 REV B received 11/03/2020, Existing and Proposed Site Plans – Drawing no: 02 REV D received 24/05/2021, Existing and Proposed Street Scene Elevations and Plans – Drawing no: 03 REV D received 24/05/2021, Proposed Elevation and Plans – Drawing no: 06 REV D received 25/05/2021, Design and Access Statement – dated October 2020 REV B - received 15/04/2021.
 - 3) Notwithstanding the plans submitted the external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing buildings.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. 26 Darnley Avenue (No 26) is something of an anomaly within a street made up of blocks of houses in groups of consistent character and appearance. The site is a transition between two such groups, and but for its materials, No 26 is of a different form, character and appearance to surrounding houses. As a result, the character and appearance of the appeal site is clearly distinct from its surroundings.
4. At present, there are existing outbuildings and garages to the rear of the site, in broadly the same location as the proposal, and these are plainly visible from the street. This arrangement is not unusual in and around Darnley Avenue, and I was able to see several other outbuildings set to the rear of and visible between houses on my site visit. Whilst their location and visibility was generally consistent, their form, scale, character and appearance was not.
5. I acknowledge that within the surrounding area there are no outbuildings of directly comparable scale to the proposal. However, I do not consider that the proposal would be so different to, or indeed harmful to the character and appearance of the area as a result. The proposal would still be set substantially to the rear of the existing houses, and whilst visible, its effects on the area would be lessened by its distance from the street. In addition, the overall scale of the proposal is not so great that it would compete with, or otherwise dominate the houses to the front of it. Nor do I consider that the continuous brick frontage which the proposal would create between the two houses would be unacceptable or harmful, particularly given the clear degree of setback from the houses and the street, which would make it clear that the proposal was a separate structure.
6. I note that the Council is concerned that allowing this appeal could set an undesirable precedent. Whilst I recognise that consistency in the planning process is important and like cases should be decided in a like manner, it is also important to reiterate that each case is determined on its own merits and on the basis of the evidence, particularly in relation to matters of character and appearance. As such, I am satisfied that my decision on this proposal, on this particular site with its distinct characteristics in this context would not harm the ability of the Council to exercise in equity their judgement on matters of character and appearance, as I have done in this case, in future cases.
7. I therefore find that the proposal would not harm the character and appearance of the area, and that its design, scale and location would not be unduly prominent or harmfully incongruous. As a result, it would comply with Policy CS10 of the Core Strategy, and policies D9 and D10 of the Local Development Framework Development Policies Document. These policies seek, amongst other things, to ensure that development proposals deliver contextually appropriate high-quality design which respects existing, established character and appearance, and does not cause significant harm to it. The proposal would also comply with guidance in the National Planning Policy Framework (the Framework) on achieving well-designed places.

Conditions

8. The Council has suggested a number of conditions to be attached, should planning permission be granted. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1), compliance with the submitted plans (2) and the use of matching materials (3), in order to ensure the satisfactory appearance of the completed development. I have removed the narrative from condition 2 as it is unnecessary.
9. 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

10. For the reasons given above I conclude that the proposal 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