



Appeal Decision

Site visit made on 8 March 2022

by C. Megginson

an Inspector appointed by the Secretary of State

Decision date: 24th March 2022

Appeal Ref: APP/X4725/W/21/3281783

75 Mill Lane, Ryhill, Wakefield, WF4 2AB

- 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 M. Lone against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/00830/FUL, dated 25 March 2021, was refused by notice dated 24 June 2021.
 - The development proposed is an external day room with raised decking area
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Decision

1. The appeal is allowed, and planning permission is granted for an external day room with raised decking area at 75 Mill Lane, Wakefield, WF4 2AB in accordance with the terms of the application, Ref 21/00830/FUL, dated 25 March 2021.

Procedural Matter

2. From my site visit and on the basis of the evidence before me, the day room and raised decking area have been completed and therefore the appeal seeks permission retrospectively.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of the neighbouring residential properties on Lafflands Lane and privacy of users of the adjacent public open space.

Reasons

Character and appearance of the area

4. The appeal site is located within the rear yard of No 75, a convenience store at ground floor with accommodation above. To the north of the appeal site is a large area of public open space, surrounded principally by terraced properties. To the eastern side of the open space are the high brick walls of the rear of the commercial properties on Mill Lane and Chapel Street. Lafflands Lane falls to the west of the open space and features a small substation with metal palisade fence and a residential terrace with gardens and driveways to the front, directly overlooking the open space.

5. The development is a single storey day room with raised decking area on the roof. The day room joins two existing two storey buildings, with a wooden staircase up to the decked area from inside the rear yard.
6. The rear yard of the appeal site is visible from a very short section of footpath linking Mill Lane to Lafflands Lane. This side of the dayroom is clad in white UPVC cladding. Whilst this does not match the brick and render buildings to either side, it does reflect the white UPVC windows and doors on these buildings, and when viewed in the context of the rear service yard, the development does not lead to unacceptable harm.
7. The development is clearly visible from Lafflands Lane and the public open space. However, this in itself does not make it unacceptable. Whilst the design of the development is unusual, when viewed against the backdrop of a large white rendered gable to one side and a large brick gable to the other side, including a large metal chimney, the development is not unduly prominent.
8. Properties along Lafflands Lane feature wooden boundary fencing and the wooden decked area, whilst elevated, is small in scale. When viewed as part of the wider street scene, including high brick walls, metal palisade fencing and the backdrop of a large factory building to the south of the appeal site, the development appears small in scale and is not dominant or overbearing.
9. For the reasons set out above, I conclude that the development does not have a harmful effect on the character and appearance of the area. Accordingly, I find no conflict with the relevant elements of Policy CS10 of the Wakefield Local Development Framework Core Strategy (2009), Policy D9 of the Wakefield Local Development Framework Development Policies (2009) and the National Planning Policy Framework (the Framework), which, in summary, seek to secure high quality design that protects or enhances local character and distinctiveness.

Overlooking

10. The use of the decked area and windows from the day room allow overlooking of the public open space, which features several mature trees and undulating ground. Users of the decked area may look out from an elevated position, over the area of open space towards the residential properties at Lafflands Lane. However, the appellant states that these properties are approximately 20 metres away and the council have not specifically disputed this. This distance is across a road and any overlooking would be from a considerable distance. The open space is also overlooked directly by several surrounding properties, including those on Lafflands Lane and I consider that additional overlooking potentially arising from the development does not lead to unacceptable harm.
11. Consequently, having considered the evidence before me and what I experienced on my site visit, I am satisfied that the development would not harm the living conditions of the occupants of the neighbouring residential properties on Lafflands Lane, or affect the privacy of users of the adjacent public open space, with particular regard to overlooking. Accordingly, I find no conflict with Policy D9 of the Wakefield Local Development Framework Development Policies (2009) and the Framework, which aim to protect the amenity of neighbouring users.

Conclusion

12. For the reasons given above, having considered the development plan as a whole and all other relevant matters, I conclude that the appeal should be allowed. The Council have requested a matching materials condition, however, as the development is complete, I do not consider it necessary. I have therefore allowed the appeal on the basis of the submitted plans.

C. Megginson

INSPECTOR