



Appeal Decision

Site visit made on 15 March 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/X4725/W/21/3287811

44 Central Drive, Castleford WF10 1QG

- 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 Pearson against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/00258/FUL, dated 1 February 2021, was refused by notice dated 30 July 2021.
 - The development proposed is new dormer bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - The living conditions of the occupants of 44 and 46 Central Drive with regard to privacy, and 46 Central Drive with regard to outlook and light; and
 - The living conditions of future occupants of the dwelling with regard to internal accommodation and external amenity space.

Reasons

Character and Appearance

3. The appeal site is on a prominent corner on Central Drive where it meets South Avenue. Both streets are characterised by modest two-storey semi-detached properties of consistent design set on small but proportionately sized plots. The houses on both streets are set back from the highway by front gardens. The uniformity of the design and strong building line of the houses contribute positively to the character and appearance of the area.
4. The proposal would see a 2-bedroomed dormer bungalow built in the side garden of the appeal property. It would provide accommodation over two floors with a pitched roofed dormer on the front elevation with rooflights on both sides. It would be set forward of the building line by approximately 1.5 metres. Parking would be provided to the front, adjacent to Central Drive.
5. The dwelling would take up almost the entirety of the side garden of the appeal property and the ridgeline of the main roof would be only just above eaves of the surrounding houses. It would therefore appear contextually very small and completely alien in its surroundings. The restricted size of the plot, the siting of the proposed parking and the relationship with the neighbouring properties

would give rise to a cramped appearance, wholly at odds with the prevailing area. The introduction of a dormer window in the front elevation of the proposal would appear incongruous and out of keeping with the surrounding houses. It would appear particularly dominant when viewed from South Avenue.

6. The dwelling would be constructed of materials which would be consistent with those of the surrounding houses and the appellant states would be environmentally compliant. However, I have very limited details of these materials before me. Their use would not mitigate the incongruous form of the proposal in its surroundings.
7. The proposal would thereby cause harm to the character and appearance of the area and would be contrary to Policy D9 of the Wakefield Local Development Framework Development Policies Document (2009) (DPD) which, amongst other things, seeks to ensure that new development is of a high quality. The proposal would also be contrary to the advice in the Council's Residential Design Guide Supplementary Planning Document Part 1: Guidance for Housebuilders (2018) (RDG) which sets out design guidance for new development and also to the design aims of the National Planning Policy Framework (the 'Framework').

Living Conditions - Neighbouring Occupiers

8. The rear elevation of the proposal would be around 4.4 metres from the side elevation of No 46. Whilst I appreciate the proposal is lower than the surrounding houses it would appear oppressive and overbearing in such close proximity to the side elevation of No 46. Furthermore, the orientation of the proposal due south and close to the rear garden of No 46 would be unacceptably overbearing and oppressive. It would be likely to result in overshadowing of the garden at some times of the year. Moreover, the orientation of the proposal in the gap between Nos 44 and 46 taken with the existing garage and extensions at No 44 would make the rear garden of No 46 feel very hemmed in. As such, there would be a negative effect on outlook and light for the occupiers of No 46.
9. The Council has not been clear how the proposal would affect the privacy of the occupants of Nos 44 and 46. The principal window in the second bedroom of the proposed dwelling would be approximately 4.3m from the side elevation of No 44. However, as this window would not face habitable room windows in No 44 it would not adversely impact on the privacy of the occupants of that property. Neither would any windows in the proposal face No 46. I therefore consider that the proposal would not adversely affect the living conditions of the occupiers of either Nos 44 or 46 with respect to privacy.
10. Consequently, the proposed development would unacceptably harm the living conditions of the occupiers of No 46 with regard to outlook and light. However, I do not consider that the privacy of the occupants of Nos 44 and 46 would be adversely affected. The proposal would however be contrary to DPD Policy D9, the RDG and paragraph 130(f) of the Framework which require that all development should provide a high quality of amenity for existing users.

Living Conditions- Future Occupiers

11. The RDG encourages developers to use the space standards set out in the Nationally Described Space Standards¹ (2015) (NDSS). Whilst this is not statutorily required it does provide a helpful indicator of the expected quality of internal space for housing development.
12. The NDSS sets out expected floorspace standards to ensure that new dwellings provide an adequate standard of accommodation for future occupiers. The NDSS assumes that 2 bedroomed properties accommodate a minimum of 3 persons. A 2-bed 4-person two-storey dwelling, as the Council considers the proposal to be, should provide a total of 79m² of internal floor space. Even if, as the appellant suggests, that the dwelling was to be occupied by fewer people it would require 70m² of floorspace. At 61m² the proposal falls significantly short of the requirements for either level of occupation. Consequently, this would represent a poor standard of overall accommodation for future occupiers.
13. The RDG advises that a main bedroom should have a minimum floorspace of 12m². Neither bedroom would achieve that standard and the main bedroom at 9m² would only marginally exceed the standard expected for a single bedroom (8m²). Furthermore, the NDSS requires that for a dwelling with two or more bedspaces at least one should be a double (or twin) bedroom. As a result, the standard of accommodation provided would be inadequate and therefore harmful to the living conditions for future occupiers.
14. Approximately 50m² of external amenity space would be provided for the proposed dwelling which would be to the front and side of the dwelling, some of which would be taken up with parking provision. Whilst this would be private in terms of ownership it would offer little in the way of privacy and would not provide the occupiers with meaningful space for sitting out, drying of laundry, or children's play. The configuration and orientation of the space would therefore represent an inadequate level and quality of amenity space which should be expected for the size and type of dwelling proposed.
15. Taking all the above into account the accommodation would have an oppressively confined form of internal accommodation coupled with inadequate external amenity space for its future occupants. For those reasons, the proposal would not provide acceptable internal accommodation or external amenity space for future occupiers. It would therefore be contrary to DPD Policy D9 and the RDG in respect of the standard of accommodation and level of amenity for both existing and future occupiers which is expected of new development. It would also be contrary to paragraph 130(f) of the Framework which seeks to ensure that development is to a high standard of amenity for future users.

Other Matters

16. As I am dismissing the appeal, I have not considered the level or location of parking within the site further.
17. I have not been presented with any evidence that the provision of one additional dwelling in this location would address any identified local housing

¹ <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard/technical-housing-standards-nationally-described-space-standard>

needs or that there is a lack of land elsewhere in the district to provide any particular type of accommodation. Both of which, amongst other things, would be necessary to satisfy the requirements of paragraph 124 of the Framework in securing the most efficient use of land. Moreover, neither support for new housing in the development plan or the Framework should be at the expense of ensuring all development is appropriate, including integrating the development suitably into its surrounding environment and ensuring adequate living conditions for future occupiers.

18. I acknowledge that the proposal may provide a form of accommodation which could be attractive to certain groups. However, the occupation of the dwelling by a person or persons with a particular requirement, could not be controlled or guaranteed. Therefore, this carries neutral weight in the consideration of the appeal.
19. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appeal is made for a dwelling which the appellant states could be occupied by persons who because of age or disability, are persons who share a protected characteristic for the purposes of the PSED. In dismissing the appeal, I recognise that accommodation which may be suitable for persons with such a protected characteristic would not be forthcoming. However, in my view, the adverse impacts of dismissing the appeal on those persons are proportionate to the adverse impacts that I have identified above.
20. The appellant has also put forward a range of benefits which would be arising from a dwelling in this location including achieving sustainable development, the creation of employment, other economic benefits and making efficient use of land. I have also had my attention drawn to policies in the development plan that the proposal complies with. None of these matters outweigh the harm that I have found on the main issues.
21. I have carefully considered matters raised by interested parties including the friendliness of the neighbourhood as a place to live and the benefits of the proposal on safety and security, but these are not matters which have affected my finding on the main issues.

Conclusion

22. Overall, whilst I find that the proposal would not result in harm to the privacy of the occupiers of Nos 44 and 46, this does not outweigh the harm I have identified to the living conditions of the occupiers of 46 with respect to outlook and light. Nor does it outweigh the adverse impact that the proposal would have on the character and appearance of the area or the living conditions of future occupiers of the proposed dwelling. For these reasons, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR