



Appeal Decision

Site visit made on 23 March 2022

by M Clowes BA (Hons) MCD PGCERT (Arch con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

Appeal Ref: APP/X4725/W/21/3286121

4 New Row, Badsworth, Pontefract WF9 1AH

- 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 Miss F Westerman against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/00190/FUL, dated 17 January 2021, was refused by notice dated 17 June 2021.
 - The development proposed is described as 'convert existing 2 bed house with 1 bed annexe to 2 bed house and 1 bed flat (2 dwellings).'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There are some discrepancies between the existing plans and the situation on site. These include the location of the staircase, the lack of an upper floor and the inclusion of a window serving the lower level. That said, and having regard to the proposed plans, I am satisfied I have sufficient information before me to assess the effects of the proposed development.

Main Issues

3. The main issues are the effect of the proposed development upon;
 - i) the living conditions of the future occupiers of the new dwelling, with particular regard to outlook, light and ventilation; and
 - ii) highway safety.

Reasons

4. The Council advise that planning approval was granted in 2021 for the conversion of the existing building to form an annexe to the dwelling of 4 New Row (reference 20/02281/FUL). Permission is now sought for a separate self-contained dwelling in lieu of the annexe, to effectively subdivide No.4 into 2 independent dwellings. I saw that the building to the east of the appeal site is plastered and painted internally, and is currently used as additional living space with the provision of a sofa, tv and the storage of household items.

Living Conditions

5. A kitchen and living area would be provided on the lower level of the proposed dwelling with the kitchen served by an existing door and one window. The living area would obtain some passive light from above, via the large first floor window in the south-western elevation, and it would be

open plan with the kitchen area. However, it would not have its own window for direct light and outlook, a feature which would reasonably be expected for the main living space. The provision of a mezzanine floor would partially occlude light reaching the lower living area in full.

6. Likewise, no window would directly serve the bedroom area to be formed on the upper floor. Given their orientation the first floor windows in the south-western and south-eastern elevations would provide some passive natural light. However, the position of the windows beyond the bedroom floor area, across the full height void and staircase, and the proposal to obscure glaze the larger window (as shown on drawing 21-081-01 Rev B), would not provide a suitable source of outlook for this habitable room. The outlook from the dwelling as currently configured, would be extremely poor and light levels would be compromised, producing inadequate quality living conditions for future occupants.
7. It is suggested that the windows would provide the same level of daylight for the proposed dwelling as they would for the annexe. Even if this were to be the case, the 2 uses are noticeably different in terms of the requirements for amenity. An annexe would be a subordinate part of a larger dwelling which may be used on an occasional basis for overnight stays. Alternatively, it may be used by dependant family such as teenage children or elderly relatives that would share the facilities of the main dwelling such as living and garden spaces. In contrast, a separate dwelling would enable occupation by third parties unconnected to the occupants of New Row. Compliance with minimum building regulation standards for the glazing of habitable rooms, does not automatically suggest that the level of amenity achieved is acceptable in planning terms. A greater degree of light and particularly outlook, can be expected for permanent occupation as an independent dwelling.
8. In terms of ventilation, I saw that 4 of the existing windows contain openable lights and that these match the casements as shown on the proposed drawings. Given that the bathroom and kitchen could also be mechanically ventilated it is likely an appropriate level of ventilation could be achieved.
9. Nevertheless, the proposed dwelling would still have an adverse effect upon the living conditions of the future occupiers, with regard to outlook and light. Therefore, the development proposed conflicts with Policy D9 (part k) of the Wakefield Local Development Framework (LDF): Development Policies Document (2009) which seeks to prevent unacceptable impacts on the amenity of prospective users. It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework), which requires new development to have a high standard of amenity for future users.

Highway Safety

10. No 4 is an existing dwelling that does not have any existing on-plot parking provision. No further dedicated car parking is proposed despite the increase in the number of dwellings, which the Council are concerned will lead to additional vehicles being parked on nearby roads, contrary to the Wakefield Street Design Guide (2012).
11. During my visit I saw that Back Lane and Main Street are relatively low-trafficked village roads. Although a snap-shot during the daytime, I saw that on-street car parking is ample and a short walk from the proposed

dwelling. Bank Lane has a long, relatively straight section free from parking restrictions and Main Street, although containing a white line partially along one side to discourage car parking, does enable on-street parking to occur legally with the exception of the keep clear zones. Main Street is not so narrow that on street parking would be dangerous to passing vehicles, particularly as there is good forward visibility in both directions.

12. The Council suggest that the annexe would not require additional car parking. However, as the annexe could be occupied by a relative of the occupant of No 4 or visiting friends, it is unrealistic to expect this use to occur without generating additional vehicle trips and car parking.
13. Paragraph 111 of the Framework is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I share the view of the Local Highway Authority that a one-bedroomed dwelling would not generate significant car parking requirements over and above the existing situation, that would result in a severe impact on the nearby road network.
14. The proposed dwelling would not therefore be harmful to highway safety. As such, the proposal complies with Policy D14 of the Wakefield LDF Development Policies Document (2009), which amongst other things, seeks to safeguard convenient and safe access to new developments. It would also comply with paragraph 111 of the Framework, which aims to prevent unacceptable impacts on highway safety.

Other Matters

15. The appeal site is within the boundary of the Badsworth Conservation Area (CA). It includes the historic core of the village set around Badsworth Church. The village has a pleasant, verdant and tranquil quality which contributes positively to its significance. The Council do not object to the proposed development on the basis of any harm to the CA and, given it would not include any external works of great substance, I am inclined to agree. The character and appearance of the CA would therefore be preserved.
16. Since Policy H9 of the Wakefield Unitary Development Plan (2003) was superseded by Policy D9 of the LDF (2009), it no longer forms part of the development plan. I have not therefore referred to it in my decision.

Conclusion

17. I have found that the proposal would not cause harm to highway safety. This would however be a lack of harm which, by definition, cannot be used to weigh against it. The appeal scheme would harm the living conditions of future occupiers and in regard to this main issue, it would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

M Clowes

INSPECTOR