



Appeal Decision

Site visit made on 12 April 2022

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2022

Appeal Ref: APP/X4725/W/21/3289989

112 Lumley Street, Castleford WF10 5LU

- 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 Keith Bullock against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/00130/FUL, dated 20 January 2021, was refused by notice dated 8 July 2021.
 - The development proposed is described as construction of one 2 bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site location plan confirms that the appeal site adjoins the address cited in the heading above which is relied upon by the main parties, rather than forming part of it. The appeal proceeds on that basis.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the street scene, with particular regard to its location, positioning, and appearance in terms of scale and massing.

Reasons

4. The appeal site is situated within an otherwise built up frontage of residential dwellings situated along a busy transport route. Dwellings along this section of Lumley Street are a mixture of large semi-detached and detached units which prevail at a generous 2 storey scale. They tend to be set within larger plots than the more recent housing development behind. Despite the built up urban form and appearance of Lumley Street, the setting back of garages and outbuildings into their rear gardens preserves an important sense of space between these units. The limited palette of materials and the scale and spacing of buildings contribute positively to the consistent rhythm of built development here which defines the important character and appearance of this predominantly residential area.
5. The appeal site is a grassed and planted, narrow but elongated strip of flat land. It forms part of the original site layout at the entrance to the neighbouring recently constructed housing development. The submitted planning history shows that it was occupied temporarily by a sales unit associated with that development. Having since been reinstated, it currently

functions as a planned area of undeveloped green public space which is intersected by a short vehicular access way to an adjoining dwelling known as No 112 Lumley Street.

6. The appeal site's position at the junction between Kilner Way and Lumley Street and its open plan nature makes it prominent within both street scenes. The appeal site helps reinforce the sense of arrival into the more recent housing development which is tucked well behind Lumley Street. It also provides a green vista to an otherwise built up urban street scene where the visual relief of other soft landscaping is obstructed by garden boundary enclosures.
7. The proposed location and siting of the appeal proposal would result in the loss of this planned undeveloped soft landscaped area. The appeal site serves no meaningful recreational function by virtue of its size and location. However, the public value of this area rests in the positive visual contribution that it makes to an otherwise built up street scene. This is all the more pertinent given the loss of a similarly designed area opposite to part of the enclosed garden of No 118 Lumley Street. The appeal proposal would disturb the visual balance between the extent of hard surface treatment and soft landscaping which has been maintained here. It would unduly erode the sense of space and openness between buildings which is characteristic of this area.
8. In terms of appearance, the scale of the particular appeal proposal would be far less than the surrounding dwellings in terms of finished eaves and ridge heights. The uncharacteristically small scale disposition of the appeal proposal would be further emphasised by the plot's extensive depth coupled with its narrow width. This causes the appeal proposal to occupy almost the full width of the plot. This conveys a particularly cramped disposition when viewed from Lumley Street in the context of that wider street scene.
9. Although a condition could be necessarily imposed to ensure that materials reflect those forming the site's context, this would not successfully distract from the limited scale of the appeal proposal and its massing which would be uncharacteristic of this particular street scene.
10. Consequently, the resulting development would be at odds with the otherwise consistent scale and massing of dwellings within this part of Lumley Street. Moreover, the site's relationship with smaller, more densely developed properties off Kilner Way and Robinson Close is such that the appeal proposal would not be read sufficiently with that context.
11. For these reasons, the appeal proposal would cause serious harm to the character and appearance of the street scene, with particular regard to its location, positioning, and appearance in terms of scale and massing.
12. The approved 2010 planning application referred to by the appellant demonstrates that the landscape function of the appeal site was deemed appropriate at that time. I have identified that its loss would result in visual harm and no significant changes in circumstances have been demonstrated that offset that harm. Furthermore, the site's current land use remains irrespective of ownership.
13. Policy CS10 of the Council's Local Development Framework Core Strategy requires that new development is appropriate to its location in terms of scale

and density and protects and enhances local character. Policy D9 of the Council's Local Development Framework Development Policies document states that proposals shall respect, and where appropriate enhance the character of the locality in terms of design, scale, massing, height, density and layout as well as respecting or enhancing the skyline. Given the nature and level of the identified harm, there is clear conflict with both of these policies.

Other Matters

14. The local examples cited by the appellant as precedents are not sufficiently comparable in their visual effects on the street scene to carry anything more than limited weight. The appellant's concerns about the Council's handling of the planning application falls beyond the scope of the appeals process. There is no evidence before me which demonstrates that the appeal site is an eyesore and in any event there are powers available to the Council to respond to such situations. Consequently, these arguments carry no material weight. As a private matter, the retention of any access rights which exist over the site is of neutral consequence to the outcome of this appeal.
15. Although the appellant has expressed a willingness to redesign the appeal scheme, advancing any such new proposals falls beyond the scope of the remit of this appeal. The effect on existing or future land values of the appeal site is not a matter which carries weight in this instance.
16. The submitted evidence does not demonstrate that the appeal proposal constitutes genuine affordable housing. Irrespective of the housing land supply position, the appeal proposal would still make a limited contribution to housing provision, including self-build in the area, to which I attach moderate weight as a benefit of significance to this particular appeal scheme. The potential for the appeal proposal to represent an effective use of land in this case also attracts moderate weight.

Conclusion

17. In conclusion, I have found serious harm to the character and appearance of this particular street scene. As a consequence, the appeal proposal conflicts with the development plan taken as a whole. Although benefits of the appeal proposal exist, there are no material considerations before me which outweigh that conflict. Therefore, the appeal should be dismissed.

C Dillon

INSPECTOR