



Appeal Decision

Site visit made on 26 July 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2022

Appeal Ref: APP/X4725/W/22/3294169

Flat 57 Bank Street, Ossett WF5 8PR

- 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 Nazam Khan against the decision of Wakefield Council.
 - The application Ref 21/00758/FUL, dated 15 March 2021, was refused by notice dated 7 September 2021.
 - The development is described as “a first floor one bedroom apartment which the owner intends to make into a 4-bedroom flat by converting the loft and utilising the store area, additionally, a rear dormer is proposed”.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor one bedroom apartment which the owner intends to make into a 4-bedroom flat by converting the loft and utilising the store area, additionally, a rear dormer is proposed, at Flat 57 Bank Street, Ossett WF5 8PR in accordance with the terms of the application, Ref 21/00758/FUL, dated 15 March 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Proposed floor plans (dated 20/5/2021); Proposed rear and proposed side elevations (dated 12/7/2021); Proposed front elevation (dated 20/5/2021).

Preliminary Matters

2. There is a degree of variation between the description of the development on the application form and that used by the Council on the decision notice. The latter includes reference to the installation of new doors. Although the appellant’s design and access statement refers to doors being uPVC framed, the description of development on the application form makes no reference to the installation of new doors nor do the submitted plans indicate a change to the doors of the property, which is confirmed in the appellant’s appeal statement. In addition, the Council’s officer report states that it is unclear when the doors were installed. The evidence before me therefore suggests that the doors on the property would be unaffected by the appeal scheme, and I have considered the development on this basis.
3. The description of development in the banner heading has therefore been taken from the planning application form. This description of development includes a large amount of superfluous commentary. For ease of reference, I have taken solely the development for which planning permission is sought. In addition, the external works to the property appear to have been largely completed.

Main Issue

4. The main issue is the effects of the development on the character and appearance of the host property and the Ossett Conservation Area.

Reasons

5. The appeal property is a two storey building comprising a taxi office and hot food takeaway at ground floor level and residential use at first floor level. It is the apartment on the first floor that the appeal scheme relates to. The development comprises the conversion of the one bedroomed apartment into a four bedroom flat, including the creation of habitable room in the roof space served by a rear flat roof dormer and front and rear rooflights, and new windows.
6. The property lies within the Ossett Conservation Area (the Conservation Area). The Council's evidence has not indicated what the significance of the Conservation Area is or how the property contributes, or detracts, from its significance. However, from my site visit observations, the significance of the Conservation Area is derived, in part, from its architectural and historic interest associated with the development of the town, as illustrated by the varied design, scale, layout and architectural quality of the built form, and the spatial arrangement of the buildings with each other and the surrounding spaces, including the town hall and marketplace.
7. In line with the advice in the Council's 2018 Residential Design Guide Part 2: Guidance for Householders Supplementary Planning Document (the RDG) the dormer is finished in slate tiles which match the existing roof and is set in from the sides of the host property and up from its eaves level. It does not project above the roofline although runs up to it, which I appreciate differentiates it from other nearby flat roof dormers which mainly sit well below the ridgeline.
8. The property has a wide roof, with the appellant's information indicating 18.4 metres. While wider than the 3 metres recommended for rear flat roof dormers in the RDG at around 4.95 metres, the dormer does not occupy a significant proportion of the roof. Elements of the original roofslope therefore remain clearly visible. In addition, given its size and positioning, it does not add significant additional bulk to the side elevation of the property. Overall, therefore the dormer does not appear as an incongruous addition and does not detract from the character and appearance of the host property.
9. Given its scale and location, the dormer is not prominent within the streetscape, and there are limited views from the public realm and wider views in the Conservation Area given the context around the site. There are also limited views from private areas given its location to the rear of the property and the limited number of buildings in this location. Nevertheless, the character of the Conservation Area derives from the buildings, layout, and surrounding spaces as a whole, regardless of whether particular elements are open to public view. Its significance does not therefore rely only on the elements that can be readily seen.
10. Although the dormer may not be characteristic of a building that is the age of the host property, for the reasons set out above, it does not dominate it or appear as a discordant addition. The Council is concerned that the fenestration used in the dormer does not respect the pattern of the windows within the

Conservation Area which have a vertical emphasis. However, the shape of the windows in the dormer are reflective of those within the rear elevation of the property, which the submitted plans indicate were in place prior to the development proceeding. Furthermore, although a vertical emphasis to the fenestration in the Conservation Area is apparent, there is nevertheless a diversity of window styles and shapes on the buildings within it.

11. The development has replaced the two first floor timber sliding sash windows in the front elevation with uPVC casement windows with a bottom opening. The appellant's evidence indicates that, in the front elevation, it is only these first floor windows together with the smaller square window at first floor level that are to be replaced.
12. I have some sympathy with the Council's concern about the replacement of the two timber sliding sash windows. However, I note that the ground floor windows of the property have likely been replaced at some time in the past. Furthermore, while wooden sash windows are apparent within the Conservation Area, there is variation in the materials used, including uPVC. There is also variety in the window detailing including opening mechanisms, with examples in the vicinity of the property including both top and bottom opening windows.
13. There is no evidence before me to suggest that window design is of major importance to the Conservation Area's significance. Within the context of the windows on the property and the surrounding area, the replacement windows within the front elevation do not appear out of step with the varied appearance of the existing built form in the Conservation Area.
14. On this basis, I conclude that the development does not harm the character and appearance of the host property. Nor does it harm, and therefore preserves, the character or appearance of the Conservation Area or its significance as a designated heritage asset.
15. Consequently, the development, while not meeting all of the guidance in the RDG, nevertheless accords with Policy CS10 of the Local Development Framework Core Strategy, and Policies D9(a) and D10(d) of the Local Development Framework Development Policies Document, both adopted 2009. These policies seek to ensure good design, that development respects the character of the locality, and that extensions or alterations would not be discordant with the style of the original dwelling or result in significant harm to the character of the area. The development also accords with the design objectives and heritage aims of the National Planning Policy Framework.

Conditions

16. A condition to require the development to be carried out in accordance with the approved plans is necessary in the interests of certainty.

Conclusion

17. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR