



## Appeal Decision

Site visit made on 6 September 2022

**by H Jones BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> October 2022**

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**Appeal Ref: APP/X4725/W/22/3299414**

**80A Hollin Drive, Durkar WF4 3PR**

- 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 Derek Kaye against the decision of Wakefield Council.
  - The application Ref 22/00399/FUL, dated 16 February 2022, was refused by notice dated 28 April 2022.
  - The development proposed is a detached bungalow and domestic garage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The development description on the application form includes reference to the development being an amendment to an approval. I have removed this wording as this is not an act of development.
3. Within the Council's decision notice, the second reason for refusal references "no80 Hollin Lane". It is clear from the evidence that the correct address for the property being referred to is 80 Hollin Drive and I have determined the appeal on this basis.
4. A dwelling and garage are built on the site. There is some disparity between the number, siting and size of the roof windows within the constructed dwelling and that shown on the plans. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.

### Main Issues

5. The main issues are:
  - The effect of the development upon the character and appearance of the area; and
  - Whether appropriate living conditions would be provided for the occupants of 80 Hollin Drive and for the future occupiers of the proposed dwelling with particular reference to privacy.

### Reasons

#### *Character and Appearance*

6. The site is located within an area of predominately residential character. The land in the area undulates and Hollin Drive steadily rises uphill. Though house types on Hollin Drive differ, there remains cohesion owing to house types sharing distinctive design elements such as the approach to fenestration and

the use of materials. Two and three storey houses are close-by to the site, but there are also many bungalows and dormer bungalows on Hollin Drive including either side of the appeal site. Some properties in the area have been extended or altered. Nearby bungalows are in part characterised by low eaves with roof slopes commencing just above ground floor doors and windows whilst the windows in front elevations are generally large and often bowed.

7. In contrast, the proposed dwelling would incorporate a considerably higher eaves. Whilst in some views, the dwelling would be seen in the context of higher properties to the rear, in other views the step-up in height from the neighbouring No 80 would be abrupt, jarring with the gentler way that neighbouring properties step with the rise on Hollin Drive. Though the size of windows may have arisen from compliance with building regulations, the height and mass of the proposed dwelling would be exacerbated by the proportions of the windows within the front and side elevation and the predominance of brick and stone.
8. Stone quoins are a feature of properties elsewhere on Hollin Drive but they do not feature on the properties closest to the site. Those properties on Hollin Drive with the stone quoins are grouped together and form distinctly different character areas. In this case, and next to these neighbouring properties, the stone quoins would appear incongruous and unsympathetic. The brick utilised would be appropriate but this would not offset the harm caused by the quoins.
9. The development may incorporate specific construction methods to cater for ground conditions and site topography, but it does not follow that the consequential effects of the development upon character and appearance are acceptable, and I have identified harm in this regard.
10. While it has been suggested that the scheme could be amended, no additional plans have been provided, so I cannot be sure that such amendments would overcome my concerns.
11. As a result, the development would unacceptably harm the character and appearance of the area. It would be contrary to Policy CS10 of the Wakefield Core Strategy, 2009 (CS), Policy D9 of the Wakefield Development Policies Document, 2009 (DPD) and advice within the Wakefield District Residential Design Guide Supplementary Planning Document, 2018 (SPD). In summary, and amongst other things, those policies and provisions seek to ensure that development is of a high quality of design and protects and enhances local character including through being of appropriate scale, mass and materiality.

### *Living Conditions*

12. Many of the bungalows on Hollin Drive have windows located within the side elevation together with an entrance door, accessed via an adjacent driveway. Often the driveways of neighbouring bungalows abut. Opposing windows, separated by the widths of two driveways, are therefore characteristic of the local area. The opposing kitchen windows within the proposed dwelling and No 80 are similarly separated by driveways.
13. The SPD contains prescriptive advice in regard to separation distances between properties. However, it is not clear to what extent the specific distance guidance therein should be applied to bungalows as the SPD states that it applies to "normal two storey homes" with an acknowledgement that increased

distance standards may be necessary where more storeys or changes in level apply.

14. Kitchens are also defined within the SPD as non-habitable rooms and whilst the SPD does state that separation distances from side elevations including kitchen windows should, normally, be increased, a specific distance is not given. Furthermore, the content of the SPD is guidance rather than policy.
15. Given the abutting driveways, there would be a sizeable space separating the opposing windows. This distance would be consistent with that which frequently occurs at neighbouring properties. A previously approved scheme may have incorporated an obscurely glazed bathroom window and I accept that would be likely to ensure greater privacy. However, for the above reasons, it does not render the kitchen window in this proposal unacceptable.
16. Taking these factors into account I find that the development would not cause any unacceptable effects upon the living conditions of either the occupiers of No 80 or the proposed dwelling. It follows that the development would therefore accord with Policy D9 of the DPD which, amongst other matters, states that development should be of a high quality of design and not cause significant detrimental effects upon the living conditions of residents. I also find that the development complies with the overall aims of the SPD which seeks to encourage development which results in high quality places to live.

### **Other Matters**

17. Planning permission may have been granted for a development of a similar nature previously, but on the basis of the evidence before me, that dwelling was of a smaller scale and would not therefore have had the same effects on the character and appearance of the area. Regardless, I must determine this appeal on its own merits and on the basis of the plans before me. Development may have commenced on site inadvertently but, regardless, I have based my Decision upon the planning merits of the case only.
18. The manner in which the Council determined the application has little to do with the planning merits of the case and has not affected my assessment of the main issues and I must determine the appeal on the basis of the plans before me. Public responses in respect of the development may have been limited but this does not in itself render the scheme appropriate nor overcome my concerns.

### **Conclusion**

19. Whilst I have found in the appellant's favour in regard to the second main issue, this would be a lack of harm and therefore, by definition, incapable of weighing against the harm I have identified in regard to the first main issue. The harm to the character and appearance of the area is determinative. The appeal scheme would conflict with the development plan for the reasons given and having taken account of the development plan as a whole and all other relevant material considerations I conclude that the appeal should be dismissed.

*H Jones*

INSPECTOR