



Appeal Decision

Site visit made on 18 October 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Appeal Ref: APP/X4725/W/22/3301323

131 Agbrigg Road, Wakefield, WF1 5AP

- 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 Khalil Mustafa against the decision of Wakefield Metropolitan District Council.
 - The application Ref 22/00475/FUL, dated 26 February 2022, was refused by notice dated 26 April 2022.
 - The development proposed is planning application for external canopy, cage and shutter for vegetable food storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that the development had been erected. Therefore, I am considering this as a retrospective appeal. The development incorporates 2 separate elements, both of which include canopies and metal structures enclosed with plastic sheeting. The larger canopy facing Agbrigg Road incorporates caged gates, and the other canopy is on the side elevation facing Westerman Street and incorporates the roller shutter.

Main Issue

3. The effect of the proposed development upon the character and appearance of the host building and the area.

Reasons

4. The appeal building is the end terrace property on the corner of Agbrigg Road and Westerman Street and is in retail use. Although the area is predominantly residential, Agbrigg Road contains a small local retail centre, with a variety of shops and services. The appeal building is sited towards the outer extent of this, and unlike the majority of other commercial premises adjoins a row of residential properties within the terrace with modest front gardens enclosed by boundary walls.
5. The canopy, and cage on the front elevation, facing Agbrigg Road, extends over the front forecourt of the retail unit, in line with the adjoining terrace front boundary wall. The front forecourt is then enclosed by plastic cladding along the length of the side joint boundary and continues along most of the frontage width of the appeal property. The development therefore obscures the front of the retail unit and projects in front of the existing building line of the terraces. Due to its scale, the development on the front appears as a substantial and

permanent structure located prominently on the front of the building, and highly visible from all directions within the area. Notwithstanding that the proposed materials incorporate clear plastic, the overall metal construction contrasts with the traditional brick character of the terraces and appears as a discordant feature.

6. Although this is an established and well used retail unit and other canopies are evident in the area, they are either not as bulky, or enclosed to the same extent, and therefore different in character. They are also not situated in a distinct residential terrace and are within a more central part and commercialised area of the retail centre. Therefore, due to the design, scale and prominent forward projection in front of a distinctly residential row of terraces, the development on the front appears as an incongruous feature which detracts from the appearance of the host property and character and appearance of the area.
7. Conversely, I find that the canopy and roller shutter on the side elevation facing Westerman Street would not be harmful. This is due to its alignment with an existing solid lean-to extension on Westerman Street, presence of other roller shutter doors and less overtly residential character. This is not of the same scale, and it does not appear obtrusively prominent from Agbrigg Road or views from Westerman Street.
8. Although I have not found the canopy and roller shutter on the side elevation facing Westerman Street to be harmful, this is a neutral factor in this case and does not outweigh the harm caused by the structure fronting Agbrigg Road. The proposed development would result in harm to the character and appearance of the host building and the area. The development would be contrary to the Wakefield Local Development Framework, Development Policies Document (2009) Policy DP9 and Core Strategy (2009) Policy CS10, which insofar as they are relevant to this appeal, seek to ensure development is high quality and makes a positive contribution to its locality. The development would also conflict with the objectives of good design within paragraph 130 of the National Planning Policy Framework 2021 (the Framework).

Other Matters

9. Notwithstanding that the shop is a vital local service which provides choice and jobs, it is not clear why the development, enclosed as it is at the front, is essential. Moreover, I am not persuaded that there are no alternative means of providing weather protection for an external display area which would be less harmful. I accept that the development would act as a deterrent for crime, but there is no evidence presented to me that this would be a significant issue for this particular unit. It is not clear how it would be different to other retail units in the local retail centre during the day which are not enclosed, or at night when other means of securing the shop could be achieved and produce stored elsewhere. Whilst it is also noted the appellant considers this to be sustainable development, I do not agree for the reasons set out above.
10. The appeal site is not within a conservation area or close to any Listed Buildings; however, this does not justify harmful development. In addition, it is noted the Council does not find the development harmful to neighbouring living conditions, and other environmental factors relating to coal, radon gas, mineral safeguarding, ground stability, air quality and smoke control. Although I do not see a reason to disagree, these are neutral factors in my assessment.

11. Whilst it is noted that the appellants have stated that they attempted to work proactively with the Council, this is not a matter before me, and has no influence on my assessment of the development.

Conclusion

12. The absence of harm from the structure facing Westerman Street is a neutral factor and does not outweigh the harm caused by the canopy and cage facing Agbrigg Road. The proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
13. For the reasons above, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR