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# Appeal Decision

Site visit made on 23 November 2022

**by J Moore BA (Hons) BPI MRTPI**

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

**Decision date: 6 January 2023**

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**Appeal Ref: APP/X4725/D/22/3305579**

**81 Haydock Avenue, Castleford, WF10 5ZH**

- 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 Andy Reveley against the decision of Wakefield Metropolitan District Council.
  - The application Ref 22/00772/FUL, dated 7 April 2022, was refused by notice dated 25 July 2022.
  - The development proposed was originally described as removing current South garden wall. Levelling land at the side of the plot (currently between the wall and the pavement) to the same level as the back garden. Build new brick wall closer to the perimeter only of southward legal boundary to encapsulate more of the plot and therefore making the back garden bigger.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Notwithstanding the description of development above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of new boundary wall to front/side of property. The Council dealt with the proposal on this basis and so shall I.

## Main Issues

3. The main issues are the effect of the proposal upon the character and appearance of the area; and the effect upon the living conditions of the occupiers of No.79 Haydock Avenue (No.79), with particular regard to outlook.

## Reasons

### *Character and appearance*

4. Haydock Avenue is characterised as a wide boulevard with highway verges and wide footways. Dwellings face the street with open front gardens, softened by planting at the edge to the footway, and separation distances are generous. The overall character of the area is open and spacious.
  5. The appeal site comprises a two-storey detached dwelling occupying a corner plot on Haydock Avenue at the junction with Plumpton Crescent. The principal elevation of the appeal property faces Haydock Avenue, and an open fronted garden consisting of a lawn with edge planting wraps around the corner. The area to the side of the appeal property along Haydock Avenue (towards No.79) is enclosed to form a functional rear garden. This rear garden has a boundary
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along Haydock Avenue in line with the principal elevation of the appeal property.

6. This arrangement contributes to the open frontage appearance along Haydock Avenue and reduces the impact of the large three-storey gable end of No.79. Haydock Avenue functions as the main spinal estate road, and therefore is highly visible to both traffic and pedestrians. The presence of open greenspace to property frontages is a key characteristic of Haydock Avenue and the wider area. Therefore, the existing unbounded front garden makes a significant positive contribution to the immediate street scene and to the open and spacious character and appearance of the area.
7. The proposed walls would result in the repositioning of the rear garden boundary to incorporate and enclose an area of greenspace at a prominent location on the main spinal estate road. This would undermine the significant contribution of the appeal site to the wider character of the area.
8. The proposed walls would be well forward of the principal elevation of the appeal property by some 5m at the narrowest point, and some 7m at the widest point, where it would also extend beyond the principal elevation of No.79. The existing rear solid brick wall at a significant height would be extended along the single width driveway of the neighbouring property at No.79 towards the footway. The proposed walls would appear as a very prominent projection towards the footway and create an incongruous feature within the street scene from both an easterly and westerly perspective.
9. The appellant suggests that a set back from the pavement together with planting would allow the proposal to blend with the street scene, but this would not mitigate the significant harm I have identified above.
10. In support of the appeal, the appellant has drawn my attention to other boundary treatments in the area. However, I do not have the precise details of each of these and why they were acceptable. Moreover, those I saw were not comparable in terms of their relationship to principal elevations, street scene, position and scale.
11. For the reasons above, I conclude that the proposal would significantly harm the character and appearance of the area. It would conflict with Policy D10(d) and Policy D9(e) of the City of Wakefield Metropolitan District Council Local Development Framework, Development Policies, adopted 2009. Amongst other matters, these policies seek to respect, maintain or enhance the character of the local area.

### *Living Conditions*

12. The rear solid brick wall at a significant height would be extended along the side of the single width driveway of No.79 to a point beyond its principal elevation, towards the footway. This would create a strong sense of enclosure to the driveway of No.79 with a harsh and stark appearance due to its height, length and design. While there is no direct outlook from No.79 to the wall, it would appear overbearing and oppressive to the occupiers of No.79 from their driveway.
13. The appellant argues that the proposal would increase the privacy of the occupiers of both the appeal property and its neighbour. I acknowledge that the position and height of boundary walls to enclose a space can result in

increased privacy for occupiers, for example by reducing the potential for overlooking or providing screening. However, this would not outweigh the harm that I have found to the outlook of No.79, nor to the character and appearance of the wider area.

14. For the reasons above, I conclude that the proposal would cause unacceptable harm to the living conditions of the neighbouring occupiers of No.79, with regard to outlook. It would conflict with Policy 10(a) of the City of Wakefield Metropolitan District Council Local Development Framework, Development Policies, adopted 2009. Amongst other matters, this policy seeks to respect residential amenity.

### **Other Matters**

15. Although not cited on the Council's decision notice as a reason for refusal, it is clear that the proposal would be in conflict with guidance contained within the Wakefield District Residential Design Guide Part 2: Guidance for Householders Supplementary Planning Document, adopted 31 January 2018 (RDG). The guidance acknowledges the role of boundary treatments as a feature of the street scene which contributes to the wider character and appearance of the area. The RPG seeks to encourage high quality design; to ensure that boundary treatments are guided by the predominant boundary treatment in the locality; and to ensure that development avoids overbearing impacts to adjacent properties.
16. Furthermore, the proposal would fail to achieve the objectives of the Wakefield Council Street Design Guide, adopted 18 January 2012, which, in conjunction with the RPG seeks to encourage high quality design in relation to the highway in its broadest sense, to include the street level, the public realm and the spaces between buildings.

### **Conclusion**

17. For the reasons given, I conclude that the proposed development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

*J Moore*

INSPECTOR