



Appeal Decision

Site visit made on 2 May 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/X4725/W/22/3310982
74 Sheepwalk Lane, Castleford WF10 3QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Chris Clarke against the decision of Wakefield Council.
 - The application Ref 21/02035/OUT, dated 6 August 2021, was refused by notice dated 22 June 2022.
 - The development proposed is the construction of 2 detached dwellings and associated car parking (outline application with all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form is '*construction of 3 detached dwellings, detached garage and associated car parking*'. The scheme was amended during the Council's consideration of the application. The Council made its decision based on the amended scheme and so have I. The description of the development in the heading is taken from the Council's decision notice and the appeal form which more accurately describe the proposal.
3. The application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis, treating supporting plans as illustrative.

Main Issues

4. The main issues are the effects of the proposal on:
 - the living conditions of residents of 74 Sheepwalk Lane with regard to privacy, noise and disturbance; and
 - the character and appearance of the area.

Reasons

Living Conditions

5. The illustrative plan shows that the existing access for 74 Sheepwalk Lane would be used for the proposed dwellings. Although the evidence before me identifies that an access road would be wide enough for fire tenders, a passing place would be required to accommodate vehicles entering and exiting the site at the same time. This is shown to be the parking area for no. 74 which is in

front of the property. The parking area for no. 74 would be moved to the rear. I note that the Highway Authority has not identified any materially adverse highway safety implications associated with the proposal, and on the evidence before me, I have no reason to disagree with this position.

6. However, the location of the passing place would mean that vehicles using it would be in proximity to the front of no. 74, including a habitable room window at ground floor. Given the site constraints, it is difficult to see what other location would be available for the passing place.
7. Based on the assessment within the appellant's Transport Note, overall levels of vehicles using the passing place would likely be quite low. Even so, the number or times of movements could not be controlled, and the location of the passing place would result in vehicles pulling in immediately alongside the front of no. 74 including its ground floor window. At such proximity, vehicles pulling into the passing place and waiting until the other vehicle has passed by would be highly noticeable. Even in low numbers, this would result in undue noise, disturbance and loss of privacy that would be intrusive and harmful to the living conditions of the residents of no. 74.
8. I appreciate that residents will experience noise from traffic on Sheepwalk Lane, which appears to be a well-used road. Nevertheless, the location of the passing place, so close to the dwelling, would result in a much more invasive form of noise and disturbance.
9. Accordingly, and notwithstanding that final access details are reserved for future consideration, I conclude that the proposal would result in unacceptable harm to the living conditions of residents of 74 Sheepwalk Lane with regard to privacy, noise and disturbance. Consequently, it would conflict with the amenity requirements of Policies D9 and D20 of the 2009 adopted Wakefield Local Development Framework Development Policies Document (the DPD) and chapter 12 of the National Planning Policy Framework (the Framework). The Council's reason for refusal on this issue includes a reference to a failure to comply with chapter 15 of the Framework. This chapter does not relate specifically to this main issue, and I find no conflict with it.

Character and Appearance

10. The appeal site forms part of the rear garden of 74 Sheepwalk Lane. The properties in the vicinity vary in their size and design, with the nearby dwellings fronting onto Sheepwalk Lane to the west having relatively long rear gardens while those to the east are generally on smaller plots.
11. An illustrative plan has been submitted showing how the dwellings could be accommodated on the site. The appellant is not bound by this given that scale and layout are reserved for future consideration. Nonetheless, given the nature of the site, the proposed dwellings would sit behind the existing dwelling. Consequently, the proposal would introduce a backland form of development.
12. The backland position would not be typical of the development pattern along Sheepwalk Lane in the vicinity of the site, where properties generally have a presence within the street scene. However, the character of the area around the site is influenced by the extent of built development in the area between the properties fronting onto Sheepwalk Lane and those along Acacia Drive to the south. While some of this built development takes the form of small cul de

sacs where the dwellings have a road frontage, I observed examples where this is not the case, such as the nearby development on Acacia Walk. The presence of the built form within the area between Sheepwalk Lane and Acacia Drive means that the pattern of development in the vicinity is not so uniform as to render a limited divergence from it visually incongruous.

13. The rear part of the site is beside Linden Close, a small cul de sac of dwellings. The illustrative plan shows that the proposed dwellings could be positioned on a similar line to the properties along the northern part of Linden Close. The proposed dwellings would not be prominent from Sheepwalk Lane, although glimpsed views would be possible through gaps in the dwellings. However, this would not be materially different to the nature of existing views which include those of the properties to the rear on Linden Close. This would also be the case from vantage points to the south, where the proposed dwellings would appear similar to the pattern of development on Linden Close.
14. There would be a reduction in open space within the site. However, relative to the size of the garden available, and in relation to many of the dwellings to the south and east, the garden areas that would be provided would not compromise the character and appearance of the area. In this regard, I note that the proposal would result in a density below that required in Policy CS3 of the 2009 adopted Wakefield Local Development Framework Core Strategy (the CS) and the proposal would not result in a cramped form of development.
15. The boundary treatment to the front of the site would need to be removed to secure the required visibility distance. While most of the nearby properties on Sheepwalk Lane have some form of boundary treatment fronting onto the road, its removal would not unduly harm the character and appearance of the area, nor would the proposed location of the bin collection point, which would only be used on collection days.
16. On this basis, I conclude that, in principle, the proposal would be capable of not unacceptably harming the character and appearance of the area. Accordingly, it would comply with Policy CS1 of the CS, Policy D9 of the DPD and the design objectives of chapter 12 of the Framework, as well as the guidance in the 2018 Residential Design Guide¹. In summary, these require development to respect the character of the locality and establish or maintain a strong sense of place.

Conclusion

17. In principle, the proposal would be acceptable in terms of its effect on the character and appearance of the area. However, I am unable to conclude that it would be possible to erect two dwellings on the site without unacceptable harm being caused to the living conditions of residents of 74 Sheepwalk Lane. To this extent, there would be conflict with the development plan when considered as a whole as well as the Framework. Therefore, the appeal should be dismissed.

F Wilkinson

INSPECTOR

¹ 2018 Wakefield District Residential Design Guide Part 1: Guidance for Housebuilders Supplementary Planning Document