



Appeal Decision

Site visit made on 1 August 2023

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07/09/2023

Appeal Ref: APP/X4725/C/23/3316712

41 Victoria Avenue, WAKEFIELD WF2 9QL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended ("the Act"). The appeal is made by Mrs Sara Chaudhary against an enforcement notice issued by Wakefield Metropolitan District Council.
 - The notice was issued on 13 January 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, the unauthorised development of a two-storey extension to side, two rear dormers in white PVC material finish, a 1.5m boundary wall and 2.2m high gates on the land.
 - The requirements of the notice are: (1) Reduce the two storey side extension by 0.3m in height [in] order to comply with approved plans under application reference 18/02398/FUL entitled "Proposed elevation and plans- Rev A" received 14.11.2018; (2) Remove all the white UPVC cladding on the two dormers and replace with matching tiles hung finish to match the existing roof materials of the host dwelling; and (3) Reduce of [sic] the boundary wall to one metre in height including the removal of the pillars, metal fence inserts and both the driveway and pedestrian gates.
 - The period for compliance with the requirements is: 9 months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

The appeal on ground (a)

2. The main issue is the effect of the 2-storey extension, of the rear dormers and of the boundary wall and gates on the character and appearance of the dwelling and the area.

Reasons

The 2-storey extension

3. Extensions to dwellings should respect the character and scale of the dwelling and the character of its location. They should not be discordant with the style of the original dwelling or result in significant harm to the character of the area. That was achieved by the design the Council approved in 2019¹, which was stepped back and down, with the eaves at the same height as the original dwelling.

¹ 18/02398/FUL, granted 4 January 2019.

4. The extension is stepped back from the original front wall, but the ridge line is not stepped down, resulting in an unbroken front roof plane across the full width of No. 41, including the extension, and No. 43.
5. The Council's Residential Design Guide Part 2: Guidance for Householders Supplementary Planning Document ("the SPD") advocates extensions of subordinate scale. It also acknowledges that this may be achieved without stepping down. However, in this instance, the width, ridge height and gable form of the roof give the extension an awkward appearance, exacerbated by the eaves stepping up. Because of this, and the continuation of the main roof plane, it is not subordinate to the original dwelling.
6. 54 Plumpton Road has a 2-storey side extension that does not step down, but I have no information about whether it has been granted planning permission, and if so, whether the relevant development plan policies were the same. In any event, I note that the roof is hipped, thus reducing the degree to which the ridge line is extended, compared with the appeal scheme.
7. The surrounding area retains a unified character, typified by semi-detached houses of similar design, with good separation between dwellings, accentuated by hipped roofs. The width, height and form of the extension's roof give the appearance of an uncharacteristically large built form that is not appropriate to the original semi-detached pair or to the location in terms of scale.

The rear dormers

8. While these are in the rear roof plane, they appear prominent in views from Darnley Avenue because of the appeal premises' corner location. Their walls are faced in white uPVC, which may be found in modern doors and windows, but is discordant with the style of the original dwelling when used as a facing material. The dormers therefore fail to protect or enhance local character and distinctiveness, causing significant harm to the character of the area.

The boundary wall and gates

9. While changes have been made over time, the dominant front boundary style in the area is low red brick walls, some with picket fences or piers and railings added. With few exceptions, the combined height is relatively low, and the open character of the road is maintained, enhanced by hedging in places.
10. The boundary walls and piers at the appeal premises are not guided by the predominant boundary type in the locality and are in sharp contrast, faced in render. While that material is common at first floor level in many dwellings in the area, its use in boundary walls is uncharacteristic.
11. While railings and gates are found in urban locations, those at the appeal site are not typical of the surrounding area, particularly because panels have been added to both. The choice of facing materials and the imposing and uncharacteristic solid form of the boundary treatment fail to protect or enhance local character and distinctiveness.
12. I have taken account of the timber panels in similar height walls at 23 and 24 Darnley Avenue. The boundary treatment at No. 23 is to the side, separating the house and its front and back gardens from a footpath. It was approved by the Council to replace a fence of similar height, but with what had been considered a harsher appearance. It is unclear whether the boundary

treatments at No. 24 and at 54 Plumpton Road have been approved or whether enforcement action could be taken in respect of them, so I can only afford those examples limited weight in my decision.

13. The boundary treatment at the appeal premises is more harmful to the character and appearance of the area than any of the foregoing by reason of the corner location, the rendered finish, and the panels. Furthermore, paint is peeling off the render, indicating that the wall's appearance will deteriorate over time, unlike the brick walls that define the character of the area.
14. Gates and walls of similar or slightly lower height could be erected under permitted development rights, provided they were not adjacent to Victoria Avenue or Darnley Avenue. How far they would need to be set back would be a matter of judgement according to the facts. No illustration of this has been provided, so it is uncertain what might be achieved and whether it would be a workable solution.
15. Furthermore, the vehicular gates are stated to be 2.2 m high, so planning permission would be required for a means of enclosure including them in any other position. From the limited information available, it has not been shown that this alternative would be likely to be implemented.

Other Matters

16. The gates and boundary treatment provide a degree of security to the appellant and her family. While I recognise this, it has not been shown that other arrangements that would protect or enhance local character and distinctiveness would not also provide reasonable security.

Conclusion on ground (a)

17. For these reasons, the designs of the extension, the dormers and the boundary treatment are discordant with the style of the original dwelling and result in significant harm to the character of the area. This is contrary to policy CS10 of Wakefield's Core Strategy Development Plan Document (DPD), policies D9 and D10 of Wakefield's Development Policies DPD and the guidance in the SPD.
18. The appeal on ground (a) must therefore fail.

The appeal on ground (f)

19. This ground of appeal relates to the 3rd requirement of the notice, to reduce the boundary wall to one metre in height including the removal of the pillars, the fence inserts and the vehicular and pedestrian gates.
20. The appellant suggests this is excessive and that it would be proportionate to remove half or all the panels from the fence inserts and the gates, leaving the railings in place. She contends that would achieve greater openness than if a hedge grew behind a lower wall or railings, an arrangement that previously existed and is shown in a historic Streetview image.
21. Removing the panels from the railings and gates would result in an improved appearance. However, there would be no change to the wall and piers and so, even with this improvement, the boundary treatment overall would still not protect or enhance local character and distinctiveness.
22. For these reasons, the appeal on ground (f) must fail.

Conclusion

23. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Mark Harbottle

INSPECTOR