



Appeal Decision

Site visit made on 21 August 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/X4725/W/23/3317899

96 Barnsley Road, Wakefield WF1 5NP

- 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 Kanan Ahmed of Nergz against the decision of Wakefield Metropolitan District Council.
- The application Ref 22/02287/FUL, dated 3 November 2022, was refused by notice dated 2 February 2023.
- The development proposed is change of use from Sui Generis Hot Food Takeaway (formally A5) to Class E Criteria (b) for the sale of food and drink principally to visiting members of the public where consumption of hot food and drink is mostly undertaken on the premises together with internal works to include rearrangement of kitchen, preparation area, serving area to provide additional internal dining area and toilets and erection of front single storey extension to provide extended dining area. (Retrospective).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The extension as shown on the submitted drawings has been constructed. I have therefore determined the appeal on this basis.
3. The appellant submitted an amended plan as part of the appeal, seeking to apply render to the brickwork which would be painted an off-white colour to match the host building. I have considered the proposed change taking into consideration the tests on Holborn Studios Ltd¹ and I am satisfied that it would not be unfair not to reconsult on the changes or that my acceptance of the revisions would deprive those who were entitled to be consulted on the changes that opportunity, given the nature and extent of the changes proposed. I have therefore determined the appeal on the basis of drawing 32.22 101 Rev S3.

Main Issue

4. The Council has raised no concern with the use of the premises. On the basis of the evidence before me I have no reason to find differently in this regard. The main issue is the effect of the front single storey extension on the character and appearance of the host property and the area.

Reasons

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

5. The appeal property is a mid-terraced, rendered, two storey building located within a mixed-use area, bound to the front by Barnsley Road. Along with No 96a Barnsley Road the host property has been identified as a Building of Local Interest (BLI). BLI fall within the within the National Planning Policy Framework's (Framework) definition of non-designated heritage assets. The terrace of properties of which the host property forms part of incorporates variation in the heights to the eaves and ridgeline and has differences in roof design. The appeal premises and the adjacent buildings have either an off-white rendered or a brick exterior. The building line of the site and immediate neighbours is stepped, with the main front elevation of the appeal premises set back from the road by a private forecourt.
6. The host property and attached neighbours, although altered, are domestic in scale reflecting their former use. The Council's historic maps indicate that the property and its neighbours had a generous set back from the road. The proposed extension whilst lower in height than the host property and that of No 94 extends across the front of both properties, obliterating the openness of the plots. Its scale and design is disproportionate to the modest scale of the host buildings and it appears as a discordant and incongruous feature which significantly detracts from the character and appearance of No 96 and No 94.
7. The setting of 96a include views from Barnsley Road of the front of the building. Whilst the extension is partially screened from some views from the road beyond No 96, as a result of the forward projection of this property, views are more open close up and from the opposite side of the road. The close relationship of the extension to the party boundary with No 96a harmfully erodes the domestic scale of this property, as well as that of No 96. As a consequence, the significance of these non-designated heritage assets is harmed as a result.
8. Given the above, the contribution that the host property and nearby neighbours make to the character and appearance of the area is significantly reduced. As a consequence, and given the prominent siting of the extension, it fails to be of a high quality design that reflects the local identity of the area.
9. In light of the above, I conclude that the extension is harmful to the character and appearance of the host building and its significance as a non-designated heritage asset. Furthermore, it is harmful to the setting and significance of No 96a and the character and appearance of the area. The use of matching materials does not mitigate the identified harm. Accordingly, the extension conflicts with Policy D19 of Wakefield Metropolitan District Council's Local Development Framework – Development Policies Document (2009) (LDF DPD) which states among other things, that development including extensions to BLI will only be permitted where there is no adverse impact on: a. any features of special architectural or historic interest; and b. the character, appearance and setting of the building. There would also be conflict with LDF DPD Policy D9 which requires development to make a positive contribution to the environment through high quality design and Policy CS10 of the Wakefield Metropolitan District Council Local Development Framework Core Strategy (2009) (Core Strategy) which has similar design objectives. There would also be conflict with the Framework which seeks, amongst other matters for development to be sympathetic to the local character.

Other Matters

10. Both the Council and appellant have referred within their statements to a previous application relating to the appeal site. Neither party have provided me with any details so I am unable to take this matter into account.
11. My attention has been drawn to Policy C81(d) of the Core Strategy which supports economic development. Whilst I acknowledge that the extension provides space within the premises to the benefit of the business it is unlikely to be the only option available for the business to thrive. Accordingly, this reduces the weight that I can give this matter in my overall assessment; it does not provide justification for harmful development.
12. The absence of harm to highway safety, amenity of neighbouring residents, drainage, flood risk, contamination, land stability and air quality are neutral matters in the overall planning balance as this would be a likely requirement of a well-designed development.

Conclusion

13. For the reasons set out above, and having had regard to all other matters raised, the proposal conflicts with the development plan taken as a whole. There are no other considerations which indicate that the decision should be made other than in accordance with the development plan. I conclude that the appeal should be dismissed.

L Clark

INSPECTOR