



Appeal Decision

Site visit made on 17 October 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2023

Appeal Ref: APP/X4725/D/23/3328045

19 Moore Way, Castleford, Wakefield WF10 1FF

- 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 Wendy Packer against the decision of Wakefield Metropolitan District Council.
- The application Ref 23/00946/FUL, dated 18 May 2023, was refused by notice dated 13 July 2023.
- The development proposed is rear dormer roof extension.

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. In September 2023, the Government published a revised National Planning Policy Framework (the Framework). The revisions relate to national planning policy for onshore wind development rather than anything relevant to the main issues in this appeal. Consequently, further comments have not been invited.
3. The main issue of this appeal has flowed from the Council's concerns. In addition, following the submission of new information with the appeal regarding the personal circumstances of the occupants of the host dwelling, I have also included the effect of the proposal on the Rights of the Child¹. The parties were given the opportunity to comment on this matter during the appeal process and I have taken into account the responses received.
4. The main issues are therefore the effect of the proposed development upon i) the character and appearance of the host dwelling and ii) the Rights of the Child.

Reasons

Character and Appearance

5. The appeal site comprises a detached 2 storey dwelling tucked into a corner position on a housing estate of contemporaneous development. Whilst house types are varied, there is a strong degree of uniformity from the use of gabled roofs and uninterrupted rear roof slopes, as well as a consistent palette of materials. As one such dwelling, the appeal property contributes positively to the pleasing residential appearance of the estate.
6. Policies D9 and D10 of the Wakefield Local Development Framework; Development Policies (WLD FDP) 2009 work in combination to ensure that new development, specifically extensions and alterations to dwellings, respect the

¹ Article 8(1) of the European Convention on Human Rights as enshrined in the Human Rights Act 1998 and Article 3(1) of the United Nations Convention.

character and scale of the dwelling and its locality in terms of design, scale, massing, height, layout, materials and colour.

7. Further specific guidance in relation to dormer windows is contained within the Residential Design Guide; Part 2: Guidance for Householders Supplementary Planning Document (SPD) 2018 which advises that dormer windows with flat roofs at the rear may be acceptable if their design has been well-considered. It sets out specific criteria including that dormer windows should reflect the style and materiality of the existing house, be detailed to reflect the roof and gutter details of the main roof, be set down from the ridge and set in from the side of the roof, be positioned well in relation to windows on lower levels, do not take up more than one third of the front roof area and do not overlook the neighbours².
8. The proposed dormer window would be a large box-like structure, of considerable bulk that would be at odds with the style and character of the host dwelling including the dual pitched roof, as well as the unbroken uniformity of rear roof slopes to neighbouring dwellings. Whilst set in from the eaves, sides and ridge, it would be marginally so, such that its large width, depth and height would largely obscure the original rear roof form. The proposal would therefore appear as an incongruous and dominant roof extension. In this regard, the proposal contrasts significantly with the very small and subservient flat roofed dormer windows on the front roof slopes of other house types within the estate.
9. The alignment of the windows with those on the first floor below is a point of mitigation. However, this along with the use of hanging tiles to match the colour of the existing roof, would not sufficiently moderate the overall scale, form and position of the proposed dormer. The proposal has not therefore been well considered and would fail to comply with the SPD guidance.
10. The proposed dormer window would not be visible from within Moore Way, but the side cheek would be partially visible beyond the rear elevation of No 21 Moore Way as seen from Beecham Square. The main views of the proposal would however, be from within Saville Road and at the entrance to Cinder Lane, more so in this latter case when the trees are not in leaf. Whilst in such views the proposed dormer would be seen at some distance and beyond existing commercial development, the position and scale of the proposal at roof level would nonetheless result in a strident addition. It would also be contrary to the gabled roof context which the appellant acknowledges in their statement is present. The proposal would not therefore be a harmonious addition and moderate harm would be exerted given the lack of other similarly scaled flat roof additions and/or residential buildings within the estate, as seen from the public realm.
11. The proposal would adversely affect the character and appearance of the host dwelling. It would conflict with Policies D9 and D10 of the WLDFDP as set out above, as well as paragraph 130 of the Framework which requires new development to be visually sympathetic to the surrounding built environment.

Rights of a Child

12. Article 8(1) of the European Convention on Human Rights as enshrined in the Human Rights Act 1998, states that everyone has the right to respect for his private and family life and his home. Where Article 8(1) rights are those of

² Paragraph 1.11.09 of the SPD.

children, as in this case, they must also be seen in the context of Article 3(1) of the United Nations Convention on the Rights of the Child. The children's best interests are thus a primary consideration and no other consideration including the impact on the character and appearance of the host dwelling, is more important.

13. I have had careful regard to the statement from Leeds City Council (LCC) relating to the personal circumstances, backgrounds and specific needs of the 4 children that occupy the appeal site. LCC is clear that the lack of private space for the children is leading to conflict that is putting the household under significant strain. In this instance intervention through non-planning measures is unlikely to meet the needs of the children. Additional bedroom space for individual occupation is required to address the emotional well-being and long-term needs of 2 of the children that currently share a bedroom. I have no reason to doubt that the proposal would improve the living conditions of the children in a home that offers a secure and stable family environment. Allowing the appeal would thus be in the best interests of the children.

Other Matters

14. The parties dispute whether the appeal dwelling could be extended in an alternative manner to that proposed. Based on my observations and review of the submitted plans, it appears that additional bedroom space could be achieved with 2 smaller dormer windows. This would reduce the amount of bulk added at roof level as well as potentially enabling the addition of pitched roofs above the dormer windows to be consistent with the form of the existing roof. The Council also suggests that there may be scope for an extension elsewhere on the dwelling which has not been disputed. In light of this, it is likely that the children's best interests could be served by alternative and less harmful forms of development than the one proposed. This substantially diminishes the weight that can be attached to the benefit of the proposal in the best interests of the children.
15. The lack of objections from neighbouring residents and maintenance of space about the appeal dwelling are neutral matters weighing neither for, nor against the proposal. Support from a local resident does not equate to a lack of harm and I have come to a different view regarding the impact of the development on the character and appearance of the dwelling.

Planning Balance and Conclusion

16. The proposed development would adversely affect the character and appearance of the host dwelling, contrary to the development plan. Balanced against this the proposal would meet the best interests of 2 children. Whilst this is of significant importance, the best interests of these children could be achieved by a less harmful extension. In the absence of any compelling evidence that an alternative extension would not be feasible, dismissing the appeal would be a proportionate response to the well-established aims of protecting the character and appearance of a locality, given the conflict with the development plan. As such, there are no considerations of sufficient weight to indicate a decision should be made, other than in accordance with the development plan. The appeal is dismissed.

M Clowes

INSPECTOR