



Appeal Decision

Site visit made on 4 December 2023

by B S Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal Ref: APP/X4725/C/23/3318657

7 The Green, Sharlston Common, WAKEFIELD, WF4 1EL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Kenneth Endeacott against an enforcement notice issued by Wakefield Metropolitan District Council.
- The notice was issued on 3 March 2023.
- The breach of planning control as alleged in the notice is Without planning permission the erection of a glazed canopy in the position shown hatched black on the attached plan.
- The requirements of the notice are: (a) demolish the glazed canopy and (b) remove all resultant materials from the land.
- The period for compliance with the requirements is eight weeks.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

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 1990 Act as amended.

The appeal on ground (a) and the deemed application

2. The appeal property is a long established semi-detached house, set back some distance from the road in a predominantly residential part of Sharlston Common. The original house has a short rear garden, backing on to a field to the NW, with most of its curtilage lying to the front and side of the property. In recent years, the house has been very substantially extended to the rear, side and front. In addition, it has a large, detached, gated car port adjacent to the road, enclosing the front garden, which is also enclosed on either side by neighbouring dwellings.
3. The part of Sharlston Common in which the appeal site is located is designated as Green Belt in the Wakefield Local Development Framework. Accordingly, the main issues are (i) whether the development is inappropriate development in the Green Belt; (ii) the effect of the development on the openness of the Green Belt; (iii) the effect of the development on the character and appearance of the area; and (iv) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
4. The canopy is steel framed, with a glazed mono-pitch roof and is open sided. Although free-standing on posts, it is only a few millimetres from the front of the extended dwelling, from which there is access via patio doors, and is attached to the front of the dwelling by a timber strut. As such, I favour the

Council's view that it is a disproportionate addition over and above the size of the original dwelling. If, as the appellant submits, it should be considered as a separate building, it is not one of the excepted categories referred to in the National Planning Policy Framework. Either way, in the context of the Framework, it is an inappropriate form of development in the Green Belt.

5. Although the building has some physical presence, the impact on the openness of the Green Belt is modest in my view, due to its lightweight, predominantly glazed form and its siting within a largely enclosed setting, in which it is for the most part surrounded by a group of buildings. In this context, I see little conflict with any of the purposes of including land within the Green Belt.
6. Turning to the impact on the character and appearance of the area, this part of Sharlston Common comprises an attractive group of buildings, mostly of traditional design and materials, grouped around what appears to be a village green. The established extensions to the host dwelling reflect to some extent the traditional form and facing materials of the original. However, both the mono-pitch design and the use of steel framing of the canopy are at odds with the established character of the host dwelling and of the wider area. The bright yellow colour of the frame exacerbates the contrast, albeit that is a matter that could be addressed by a planning condition. Whilst I accept that the canopy is not prominent in the street scene, nonetheless it is visible from public vantage points and unduly detracts from the character and appearance of both the dwelling and its surroundings.
7. The appellant points to the reasonable expectation of being able to erect a canopy to enjoy the use of his garden but that does not outweigh the harm I have identified in this particular development. He also points to parallels with the garage development which was the subject of appeal ref: APP/X4725/C/22/3300237. However, in that case, the Council itself accepted that the garage *"harmonises with the host dwelling and has an acceptable relationship with it"* and that it was *"not an incongruous feature in the area"*. Neither of these statements would apply to the case here.
8. In this case, there is a minor degree of harm to the Green Belt by reason of inappropriateness but, more significantly, the development unduly harms the character and appearance of the area, contrary to the aims of the development plan, in particular Policies CS10 of the Core Strategy and Policies D9, D10 and D23 of the Development Policies, which seek to promote development which makes a positive contribution to the area.
9. I conclude that the appeal on ground (a) and the deemed application fail and I shall uphold the notice.

B S Rogers

INSPECTOR