



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/23/3317546

63 Swift Way, Wakefield, WF2 6SR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms C Bewley against an enforcement notice issued by Wakefield Metropolitan District Council.
- The notice was issued on 27 January 2023.
- The breach of planning control as alleged in the notice is Without planning permission, unauthorised ground floor extension to rear of a dwellinghouse on the Land.
- The requirements of the notice are to remove the roof from the new extension and alter the roof construction to match the eaves height to the original dwelling using traditional matching building materials as shown on planning ref 19/02769/GPD.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in sections 174(2)(a) & (g) of the Town and Country Planning Act 1990 as amended.

Decision

1. The enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a ground floor extension to the rear of the dwellinghouse at 63, Swift Way, Wakefield, WF2 6SR.

Application for costs

2. An application for costs was made by Ms C Bewley against the Council. This application is the subject of a separate Decision.

Preliminary Matter

3. No representative of the appellant appeared at the appointed time for the site visit. The Council's representative indicated that the Council was content for my visit to be carried out unaccompanied by either party. I was able to see the development clearly from Swift Way and from the public footpath to the rear of the site and am satisfied that this was sufficient for me to determine the appeal. At the request of, and with the agreement of, the occupants of no.65 Swift Way, I also viewed the appeal site from their garden, unaccompanied.

The Appeal on ground (a) and the deemed application

4. The main issue in this case is the impact of the extension on the character and appearance of the area.
5. The appeal property is one of a row of modern, detached bungalows with gabled walls facing front and rear. In January 2020 the Council notified the appellant that prior approval was not required for a single storey rear extension, subject to its being carried out in strict accordance with the details

provided, which included a dimensioned drawing (LPA ref: 19/02769/GPD). The drawing indicated an extension matching the full width of the bungalow and extending 6m to the rear. It was to have a ridge height below that of the host dwelling, an eaves height to match the existing, indicated to be 2.5m, and to be faced in materials to match the existing.

6. The extension as built complies with the above limitations, save for the height of the eaves, which exceed those of the host dwelling by a small but significant amount. It is not in dispute that, for this reason, the development requires planning permission.
7. The development plan and the Council's Supplementary Planning Design Guide accord with national policy in seeking a high standard of design, which respects local character. In this case, the footprint, siting, fenestration and external facing materials of the extension are acceptable to the Council. The extension has been built with a lower ridge height than the original dwelling, as per the January 2020 scheme, and is subservient to it. The Council's objection arises from the use of a slightly shallower roof pitch than indicated on the drawing, resulting in a higher eaves line.
8. The consequences of the higher eaves are twofold. First a small part of the outer slope of the new roof is visible from the front above the outer edge of the original roof. Second, the extension has larger fascia boards than those on the original dwelling to accommodate the staggered guttering at the meeting point. Whilst I agree with the Council that these aspects of the development amount to a poor design, the differences from the approved scheme are of little consequence in my view. There is no discernible harm when seen from the public footpath to the rear. Whilst the variations can be seen from Swift Way and from the neighbouring garden, they have such a minor visual impact that any harm to the character and appearance of the area is minimal.
9. The small areas of exposed gable walling at the junction of the extension and the original dwelling are protected by what is clearly temporary weatherproofing. The limited adverse visual impact of this should be rectified on completion of the works.
10. In conclusion, the minor discrepancies from the scheme agreed in January 2020 do not unduly harm the character or appearance of the area and therefore, there is no undue conflict with the aims of the development plan or national guidance. Accordingly, the appeal on ground (a) and the deemed application succeed and I shall quash the notice.

The appeal on ground (g)

11. As a result of the above conclusion, there is no need for me to consider the appeal on ground (g).

B S Rogers

INSPECTOR