



Appeal Decision

Site visit made on 5 December 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/X4725/D/23/3331614

7 Ash Grove, South Elmsall, Pontefract, Wakefield WF9 2TA

- 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 Ms Amanda Keegan against the decision of Wakefield Metropolitan District Council.
 - The application Ref 23/00146/FUL, dated 26 January 2023, was refused by notice dated 13 September 2023.
 - The development proposed is the erection of a raised parking area to front with dropped kerb to highway.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development firstly, on the character and appearance of the local area; secondly, on the living conditions of the occupiers of 5 and 9 Ash Grove with regard to visual impact; and thirdly, on the use of the footway that runs across the front of the site.

Reasons

Character and appearance

3. The appeal property is a semi-detached 2-storey dwelling within a predominantly residential area wherein buildings vary in size, age, and style. Like the properties on either side of the site, which are 5 and 9 Ash Grove, the appeal dwelling is set back from the highway behind a front garden bounded mostly by low-level fences and a shared footway. Due to the notable difference in ground levels, Nos 5, 7 and 9 occupy a lower position relative to the highway as it passes the site.
4. The proposal is to introduce a raised platform for vehicle parking at the front of No 7 with brick walls and railings on 3 sides and an open frontage to the road. In doing so, a substantial new built form would be introduced into generally undeveloped space and garden that, at present, positively contributes to the open, spacious feel at the front of No 7 and the properties on either side of the site. With its largely open grassed areas and planting, this greenery makes an important contribution to the local area in providing a visual break and by visually softening the appearance of surrounding buildings. It also adds a sense of space in the local street scene to which No 7 belongs. Having viewed the site from Ash Grove as it passes the site, I am in little doubt that the

proposal would appear as a visually disruptive and uncharacteristic intrusion into largely open and undeveloped space adjacent to the road.

5. I saw that there is an existing raised parking area at the front of 1 Ash View, which is similar to the appeal scheme. This example serves to demonstrate the significant visual impact that such a development can have on the streetscape to which it belongs. To my mind, it exemplifies the harm to which I have referred and so it does not lend weight to the appellant's case. I also note that the Council has no record of granting planning permission for the frontage development at No 1.
6. My attention has also been drawn to the Council's recent decision to grant planning permission to redesign the front garden and to create larger driveway at 19 Ash View, with background details and plans provided. The Officer's report records that No 19 included an existing sloping driveway at the front of the property, which is illustrated on the accompanying plans. These circumstances differ to those of the appeal site, which forms part of a wider expanse of garden and an area free of significant built form. Consequently, it is not directly comparable with the proposal and so I am unable to draw any meaningful conclusions from this decision. In any event, each development should be assessed on its own merits, as I have done here.
7. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. As such, it conflicts with Policies CS10 and D9 of the Council's Local Development Framework Development Policies (LDF). These policies aim to ensure that development is of high-quality design, and respects and enhances local character. The proposal is also at odds with the National Planning Policy Framework (the Framework), which states that development should be sympathetic to local character and add to the overall quality of the area.

Living conditions

8. Of the properties close to the site, it is the occupiers of Nos 5 and 9 that are most likely to be affected by the appeal scheme given that the new built structure would be just to one side of their front gardens. In this position, the proposal would be evident in views from the outdoor space in front of these neighbouring properties and at an oblique angle through their front windows.
9. At present, the main outlook from these vantage points includes a substantial retaining wall alongside the road with a concrete railing and a row of buildings on the opposite side of Ash Grove beyond. Even so, the walls of the proposal would present a new and uncompromisingly solid form at reasonably close range in the foreground to these 'hard' features. Due its scale, height, and position, I consider that the appeal scheme would have an unduly imposing presence that would feel oppressive to the occupiers of Nos 5 and 9.
10. On the second main issue, I therefore conclude that the proposal would materially harm the living conditions of the occupiers of Nos 5 and 9. Accordingly, it conflicts with LP Policies CS10 and D9 insofar as they aim to safeguard residential amenity.

The footway

11. The new development would be placed between the road and front garden of No 7. In this position, it would extend across the existing footway that runs

just beyond the front gardens of Nos 5, 7 and 9 and at a lower level to the highway. As such, the new structure would block the central section of this footway and so impede pedestrian movements along its route.

12. At present, the existing footway serves only 3 properties: Nos 5, 7 and 9. It provides an onward connection from the front of these properties to the main highway. Both Nos 5 and 9 both have an alternative access arrangement for pedestrians and so do not solely rely solely on this footway. Similarly, if the appeal scheme were to come forward, access from the road to the front of No 7 would be available by using the steps on the new wall that faces away from the highway.
13. The existing footway also provides a route for those walking past the site between Lower Northcroft and Ash Grove. However, an equally convenient alternative would remain available for pedestrians if the appeal scheme were to proceed along the footway that runs continuously adjacent to the carriageway.
14. Against that background, I doubt that the proposal would hinder pedestrian access to Nos 5 or 9 or cause a serious inconvenience to other footway users. As such, I conclude on the third main issue that the proposal is not contrary to LDF Policies CS4 and CS9, which promote sustainable transport and aim to safeguard high quality footpaths. My favourable finding on this matter does not outweigh the identified harm in relation to the other main issues.

Other matters

15. I appreciate that the local topography presents a challenge to providing a solution to the lack of off-road parking for the occupiers of No 7. Once complete, the proposal would provide a more accessible, convenient, and safer alternative to on-street parking. It also offers an opportunity to charge an electric vehicle away from the road that may not otherwise be available. Although these considerations weigh in support of the appellant's case, they do not outweigh the significant harm that I have identified.

Conclusion

16. Overall, the proposed development would conflict with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan.
17. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR