



Appeal Decision

Site visit made on 5 March 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Appeal Ref: APP/X4725/D/23/3335821

5 Whitwell Drive, Streethouse, Pontefract WF7 6GD

- 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 Mark Hugill against the decision of Wakefield Council.
 - The application Ref 21/00807/FUL, dated 26 March 2021, was refused by notice dated 13 November 2023.
 - The development proposed is erection of summerhouse with attached carport to front of property (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for erection of summerhouse with attached carport to front of property at 5 Whitwell Drive, Streethouse, Pontefract WF7 6GD in accordance with the terms of the application, 21/00807/FUL, dated 26 March 2021, and the plans submitted with it.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the Council's decision notice because it is more succinct than the description provided on the planning application form. The application was made retrospectively and the appeal has duly been considered on this basis.
3. The Wakefield Local Plan 2036, Volume 1 Development Strategy, Strategic and Local Policies was adopted in January 2024. Policy LP57 of that plan replaces Policy D10 of the Council's Local Development Framework Development Policies Document (2009) referred to in the Council's decision notice. This is a general design, character and environmental quality policies and, as there has been no substantive change, it is not necessary to seek the views of the main parties on them. I have, however, assessed the proposals against the policies of the new Wakefield Local Plan 2036.

Main Issues

4. The main issue in this case is the effect of the summerhouse and car port on the character and appearance of the area.

Reasons

5. No.5 Whitwell Drive (No.5) is a two-storey detached dwelling located at the end of a spur of Whitwell Drive, a residential cul-de-sac. No.5 and its neighbour, No.7 Whitwell Drive, are sited off a shared driveway which is

- enclosed by gates. On the opposite side of the driveway to the dwelling (and front garden), a timber summerhouse with attached car port has been constructed.
6. The guidance at paragraph 1.12.10 of the Council's *Residential Design Guide: Part 2, Guidance for Householders (2018)* is that outbuildings must reflect the character of the main house in terms of size, materials and proportions. It further states that they must respect neighbouring developments and can be sited either at the rear or at the side of the property. The summerhouse and car port, sited to the front of No.5, clearly conflicts with the final part of this guidance.
 7. However, although around 9.3m in length, the structure is only 2.3 deep and around 2.10m to its eaves, with a shallow pitched roof. It is predominantly open to the front and side, formed by timber supports, with the summerhouse forming a small part at one end, and appears modest in its proportions. The structure is sited parallel to the timber close boarded fence on the common boundary with No.9 Whitwell Drive (No.9) and, although a lighter colour, its materiality reflects its immediate context. I observed on my site visit that the use of timber is common in the area, notably in respect of boundary treatments and garden buildings and sheds.
 8. The shared driveway of No.5 and No.7 (either side of the gates) is also enclosed by close-boarded fencing. To the west, this returns the fencing on the boundary with No.9 and has been planted with coniferous trees behind. Although the fencing is only around 1.2m in height, combined with the tree planting, the summerhouse and car port are largely screened in views from Whitwell Drive to the north, and the structure itself does not particularly reduce the openness of the wider residential area.
 9. Whilst I accept that the summerhouse and car port is very visible at the end of the spur of the cul-de-sac, it does not appear a disproportionate, or overly large addition and notwithstanding its siting to the front of the dwelling it does not dominate or 'clutter' the shared driveway. I therefore conclude on the main issue that the summerhouse and car port would not cause harm to the character and appearance of the area.
 10. Consequently, there would be no conflict with Policy LP57 of the Wakefield Local Plan 2036, Volume 1 Development Strategy, Strategic and Local Policies (2024) which requires alterations and extensions to respect the character, scale and the style of the original dwelling.

Other Matters

11. A third party has raised concerns in respect of the effect of the summerhouse and car port on natural light to a conservatory. As described above, the eaves of the summerhouse and car port is around 2.1m in height, with a shallow pitch roof (with a ridge of 2.43m) which slopes away from the boundary with the nearest neighbouring dwelling, No.9 Whitwell Drive (No.9). I observed on my site visit that the structure extends above the existing close boarded fence on this boundary and would therefore result in some additional overshadowing of the conservatory to the rear of No.9. However, I am not persuaded that this would be so significant to cause harm to the living conditions of the neighbours of No.9, given its height above the boundary fence, and the overall light afforded to a conservatory.

12. Rights of access to the shared driveway and communal car parking spaces have also been raised in third party objections, but this is a civil matter that falls outside the scope of this decision.

Conditions

13. The Council in their Appeal Questionnaire suggested that a condition be imposed that requires the development hereby permitted to be carried out in accordance with the approved drawings. Given that the development has already been constructed, I do not find such a condition necessary in this case.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR