



Appeal Decision

Site visit made on 3 April 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 24 April 2024

Appeal Ref: APP/X4725/W/23/3331352

5 Strands Court, Netherton, Wakefield WF4 4JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Stead against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 22/02507/FUL.
 - The development proposed is described as 'change of use and alterations to form single dwelling.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council adopted the Wakefield District Local Plan; Volume 1 Development Strategy, Strategic and Local Policies on the 24 January 2024 (Local Plan). As a result, the policy that is cited in the reason for refusal on the Council's decision notice has been superseded by Policy LP 56 of the Local Plan. Subsequent to the date of the Council's decision, a revised version of the National Planning Policy Framework (the Framework) was also published.
3. Reference was made to these changes in the Council's statement of case, which the appellant has seen, and has had the opportunity to comment on. For the avoidance of doubt, I can confirm that I have determined the appeal on the basis of the Local Plan and the revised Framework. However, in light of the facts in this case they do not alter my conclusion.

Main Issue

4. The appeal site lies in the Green Belt. The main parties agree that the proposal would not be inappropriate development in the Green Belt and there is no evidence before me to conclude otherwise. On this basis, the main issue is whether the proposal would provide acceptable living conditions for future residents, with particular reference to garden size, light and outlook.

Reasons

5. The appeal relates to a large barn/workshop building that is attached to 5 Strands Court. Whilst there are some dwellings in the vicinity, the wider surroundings are characterised by open fields and agricultural land. Due to the topography of the area, the appeal building sits at a significantly lower level than the adjacent playing fields and a wire mesh fence and hedgerow.

6. The proposal would be single storey and avoid encroachment into the countryside by demolishing part of the building to provide an internal courtyard. This courtyard would also not be overlooked or overshadowed by any neighbouring properties and would be directly accessible via interior bedrooms and the kitchen area.
7. However, it is undisputed that the floorspace of the proposed courtyard would fall short of that advised in the Council's Residential Design Guide Supplementary Planning Document 2018 (SPD). The rear windows and patio doors to bedrooms 2 and 3 would also face and be located in proximity to a large retaining wall that would be required to be constructed to form a level rear courtyard area. The scale and massing of this wall, in combination with the meshed fencing and hedgerow that are situated on the elevated land above it, would visually dominate the outlook from these bedroom windows and the rear courtyard area.
8. The combination of the factors above, along with the visual bulk of the inner flanked elevations of the proposed building would thereby have an oppressive and overbearing effect and cause an undue sense of enclosure. Given the orientation of the proposed courtyard and building in relation to the sun path I also consider that an unacceptable amount of overshadowing would occur to future residents.
9. My site observations confirmed that the hedgerow and mesh fencing are not located within the appeal site and there is little before me to suggest that they are within the appellant's control. In the absence of any landscaping details or any evidence to the contrary, it is also unclear as to how the outlook from the sole habitable window to bedroom 4 would not be prejudiced. The use of lantern roof lights or the windows in other elevations would not overcome or mitigate these concerns.
10. Furthermore, the other areas of land highlighted by the appellant as providing alternative garden land are shown on the submitted plans to either have a public footpath running through them or to provide car parking bays. They would therefore not offer the same accessibility, convenience, or privacy as a reasonably sized private amenity area.
11. In light of the above, I therefore find that the proposal would not provide acceptable living conditions for future residents, in respect of garden size, light and outlook. It would therefore conflict with Local Plan Policy LP 56. Amongst other things, this requires proposals to not have a significant detrimental impact on the amenity of prospective users. Conflict would also arise with guidance within the SPD, and paragraph 135 of the Framework which seeks a high standard of amenity for existing and future users.

Conclusion

12. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR