



Appeal Decision

Site visit made on 14 May 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/X4725/D/24/3338571

2 Trinity Street, Wakefield, WF1 5BS

- 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 Ms Sughra Ashraf against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 23/02005/FUL.
 - The development proposed is dormer extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice describes the development as 'enlargement to existing rear dormer and new dormer to front'. The appellant says that they did not agree to this change of description, and they say that the appeal should relate to the front dormer only. However, the description of the proposed works on the planning application form does not refer to the front dormer only. Furthermore, the plans show a front dormer and works to the rear dormer. On this basis I have considered the development as a whole including the enlargement of the rear dormer.
3. On my site visit I noted that the enlargement to the rear dormer had not commenced. The front dormer has been constructed and appears to be as shown on the submitted plans.
4. Following the determination of the application the Council adopted the Wakefield District Local Plan 2036 (the Local Plan) on 24 January 2024. The parties were invited to make comments in the light of the adoption of the Local Plan and I have regard to any comments made.
5. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.

Main Issues

6. The main issues are:

- The effect the dormer extensions have upon the character and appearance of 2 Trinity Street and the surrounding area.
- The consequences of a refusal of planning permission for the appellant's family.

Reasons

Character and Appearance

7. Based on the evidence before me and my site visit the rear dormer element would not harm the character or appearance of 2 Trinity Street and the surrounding area.
8. The appeal site is an end terrace situated in an established residential area. Trinity Street consists of terraced properties with on road parking. The terraced properties are red bricked, two-storey and the roofscape has a high level of uniformity.
9. The front dormer is prominent within the roofscape and disrupts the pattern of the terrace. The materials used for the development are not sympathetic to the character of the host property. The development is large and draws the eye within the street scene resulting in harm to the character of the host property and the surrounding area.
10. There are examples in Trinity Street and the surrounding area of front dormers. There are no other front dormers in close proximity to the development except for one property. I do not know the circumstances in which resulted in the construction of the dormer opposite, however, it is inconsistent with the prevailing character of the host property and surrounding area.
11. The appellant considers that because of the ownership and renovations to the short series of terraced properties the appeal property has a distinctive character that differs to other series of terraced properties in the surrounding area. However, from my observations, the terrace of which the appeal property forms part is consistent with the character of the wider area.
12. The appellant argues that there is limited harm to the character and appearance of Trinity Street because the road cannot be used as a through route for traffic. Resulting in little consequence upon the surrounding area. However, Trinity Street is still used by neighbouring residents and the local community. Therefore, whilst traffic may be limited, those people will be aware of the effect which the development has on the character and appearance of the street.
13. The appellant has drawn my attention to other development in close proximity to the appeal property, including mosques and a football ground with hospitality suites. These developments are not domestic buildings and are therefore not directly comparable to the front dormer.
14. The front dormer forms part of a large dormer that spans across the width of the short series of terraced properties. I have considered the front dormer in isolation and notwithstanding the other dormers the development would be harmful to the character of 2 Trinity Street and the surrounding area.

15. In conclusion, the front dormer would harm the character and appearance of the host property and the surrounding area. The development is contrary to policies LP56 and LP57 of the Wakefield District Local Plan 2036 both of which seek to ensure a high-quality design that respects and enhances the character of the property and surrounding area.

Consequences of a refusal of planning permission for the appellant's family

16. I have carefully considered the reasons why the appellant has applied for planning permission to extend the property. The extension may be beneficial to provide an additional bedroom space for a carer. There is a potential for an adverse impact upon a person with a protected characteristic if the development does not proceed.

Other Matters

17. The appellant has drawn my attention to the conduct of the Council during the application process. This is a matter between the parties and not determinative to the outcome of the appeal.

Conclusion

18. For the reasons set out above, I find that the front dormer to have a harmful effect on the character and appearance of 2 Trinity Street and the surrounding area. In favour of the appeal the additional accommodation could be beneficial to the appellant and would advance equality of opportunity through allowing them to continue to reside at the property. Having regard for the PSED I find that the development would provide the opportunity to advance its aims. However, set against the aim of achieving well-designed places, dismissing the appeal is a necessary and proportionate response in this case.
19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

B Astley-Serougi

INSPECTOR