

Appeal Decision

Site visit made on 17 June 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2024

Appeal Ref: APP/X4725/D/24/3343745

136 Horbury Road, Wakefield WF2 8BQ

- 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 Shakeel Aslam against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 23/02346/FUL.
 - The development proposed is two storey extension to the side and alterations to the existing extension to front (part retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The two-storey side extension subject of this appeal is in situ. However, the plans before the Council when it made its decision proposed alterations to its front elevation. As such, I am dealing with the appeal in part retrospectively.
3. As part of the appeal the appellant has submitted an alternative amended front elevation plan altering the window arrangement so that there would be two ground floor windows and two first floor windows in the extension.
4. The appeal process should not be used to progress alternatives to a scheme that has been refused. However, where amendments are proposed, regard should be had to the 'Holburn Studios Ltd'¹ principles - including a separate substantive and procedural test. In this instance, the alterations would not change the scale and massing of the extension. However, windows are an important part of how a building appears in the street scene and the changes would markedly alter the appearance of the front elevation. Moreover, no party would have the opportunity to comment on these alterations as part of the appeal process. As such, I have determined the appeal based on the plans that the Council determined its application on in the interests of fairness.

Main Issue

5. The main issue is the effect of the proposed development on the street scene within Horbury Road.

Reasons

6. The appeal property is a two-storey semi-detached dwelling located on a long and busy road that includes a variety of house types. This section of the road

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

contains several similarly designed pairs of semi-detached dwellings along with detached houses. The pairs of semi-detached dwellings have, despite minor variations, a broad unity with their materials, modest proportions, ground floor bay windows, arched doorways, window pattern, central chimney stacks and brick detailing at the eave's height being largely consistent between the pairs. This broad consistency results in a cohesiveness that contributes positively to the street scene within this part of Horbury Road.

7. The proposed two storey side extension maintains the same ridgeline as the host pair, resulting in a continuous unbroken roof slope. This unbroken roof slope is exacerbated by the absence of a central chimney stack to the front of the property, unlike the other pairs of similar semi-detached properties.
8. Moreover, the design includes a greater number of brick courses between the first-floor front windows in the extension compared with those above the existing first-floor front windows in the host pair. These aspects, in combination with the width and higher solid to void ratio, even with the proposed amended windows, results in a design that would appear an overtly striking feature that would not harmonise well with the host property and this part of the street scene.
9. The small set back to the front building line and brickwork clearly distinguishes the extension from the host pair of properties. Moreover, due to the sloping nature of the street, the stepping down effect of properties along the street is maintained. However, these matters do not alter or outweigh my concerns regarding the design of the extension as set out above. Moreover, the absence of harm in relation to other aspects of the scheme are neutral matters and weigh neither for nor against the proposed development.
10. I have been referred to an extension at 176 Horbury Road (No 176). However, I do not have the full details of the circumstances that led to that extension. In any case, whilst the step down and step back is minimal, it does exist and in combination with its width relative to the host property, garage, and window arrangement it is seen as a subservient feature in the street scene.
11. Nonetheless, the circumstances at No 176 or other extensions to different house types in the street are not directly comparable to the development before me and the part of the street scene that the appeal property is seen. In this regard, I agree with the appellant that no one feature of the design is critical to achieving a subordinate appearance. This is also reflected in the guidance in the Council's Residential Design Guide (the Guide) and the example given within the Guide at Hunt House in Sheffield. Accordingly, I have reached my own conclusions on the appeal scheme, and it will be seen from my decision that my concerns do not relate to one single aspect of the design. Moreover, it is not the purpose of this appeal to consider the merits of an alternative scheme in relation to the Guide.
12. To conclude, the proposed development would have a harmful effect on the street scene within Horbury Road. As such, I find conflict with the requirements of Policies SP23, LP56 and LP57 of the Council's Local Plan, the objectives of the Guide, and paragraph 135 of the National Planning Policy Framework. These say, amongst other things, that development will only be permitted if it would not be discordant with the style of the original dwelling or result in harm to the character of the area.

13. The appellant has made several alterations to the scheme with a view to finding a solution following a previously approved application in 2019. However, that is not a consideration for this appeal. Concerns regarding the processing of the applications including communication with the Council in relation to the potential acceptability of the scheme are also not matters for my consideration. In this regard, I have considered the appeal scheme on its own merits.
14. I accept that the small set down in the ridge in the 2019 fallback scheme would deviate from the consistency in the street as the ridges of host properties step down with the topography. However, the 2019 fallback scheme would be clearly seen as a subordinate extension to the host pair of properties and the stepping down of the main dwelling between Nos 136 and 134 Horbury Road would be maintained. There are similarities in several aspects of the approved and proposed designs, although some aspects are not similar, such as the front porch shown in the 2019 scheme. However, I do not accept that the appeal scheme has a less harmful effect on the street than the 2019 fallback scheme would have. Matters relating to the maintenance of any step or difference in useable space in the loft between the fallback scheme and the appeal scheme are not matters that outweigh my findings on this issue.
15. To conclude, the proposed development would not accord with the development plan when read as a whole and I find there to be no material considerations, that indicate that the decision should be taken other than in accordance with it.
16. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR