



Appeal Decision

Site visit made on 2 July 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/X4725/W/23/3327727

Former Magistrates Court Offices, King Street, Wakefield WF1 2SN

- 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 Courthaus Ltd against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 22/02442/FUL.
 - The development proposed is conversion of vacant building to form 8no apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was first submitted, the Council has adopted the Wakefield District Local Plan 2036 Volume 1 Development Strategy, Strategic and Local Policies (adopted January 2024) (LP 1) and Volume 2 Settlement Specific Policies (adopted January 2024) (LP 2). This has replaced the previous development plan. The Council raised this in their appeal statement and has provided the relevant policies of the LP in its evidence. The appellant was contacted and given the opportunity to respond to these matters, but no response was received.
3. On 19 December 2023, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issues of this appeal, I have not sought comments on the revisions.
4. I understand that a separate appeal was lodged contemporaneously for the refusal of listed building consent for the same proposal at the same address. However, that appeal was turned away due to missing documents and the appeal not being submitted in full within the required six-month period following refusal of consent. For the avoidance of doubt, I am assessing this appeal only, which as explained in the banner heading above relates to the refusal of planning permission under section 78 of the Town and Country Planning Act 1990 (as amended).

Main Issues

5. The main issues are whether the proposal would:
 - preserve the listed building or any features of special architectural or historic interest which it possesses and/or preserve the character or appearance of the Wood Street Conservation Area (CA); and

- provide suitable living conditions for prospective future occupiers.

Reasons

Listed Building and CA

6. The appeal building is Grade II listed and located in the CA. As per the official list entry¹ the building is identified as 'Magistrates Court'. The section of the listed building proposed for conversion is evidently a relatively modern addition to the former courthouse and was constructed in the 1970's in an area which had historically been a courtyard. I understand that planning permission² and listed building consent³ were approved in 2019 to convert the older courthouse building into 14 apartments and the appeal building into office use, although the latter was never completed. The proposal seeks to convert the former office section into 8 apartments.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the Secretary of State to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
8. However, the submitted drawings consist only of a location plan, proposed ground and first floor plans and existing and proposed elevations. They lack detail, which is highly undesirable in general terms with regards to applications for planning permission and/or listed building consent. Regardless of whether the frontage of the appeal building is original, detailed information is especially important in cases such as this given that the property is a Grade II listed building located in a Conservation Area, where great weight is given to the preservation of such designated heritage assets.
9. It is imperative that proposals are accompanied by drawings and specifications of sufficient detail to illustrate and/or describe the proposed works in order to avoid any uncertainty over the extent of what is proposed, and to allow a robust assessment of any consequent effects. Irrespective of my views over the merits of the case, the lack of detailed drawings casts significant doubt over their subsequent impacts. In particular, the only details of the elevational treatments and windows are a few words in the planning application form. Whether the adjacent buildings are positive contributors to the area or not, this would not justify the lack of detail in this case.
10. Taking the above points together, and mindful of the duties arising from the Act, I am not able to assess whether the proposal would preserve the special interest of the listed building or whether it would preserve or enhance the character or appearance of the CA. Nor could I reasonably draw any conclusions against the relevant policies of the LP or the Framework.

Living Conditions

11. The proposed 8 flats would consist of 4 on each floor of the building and would be single aspect. These would consist of a long and narrow single room with a

¹ List Entry Number: 1242757

² 19/00393/FUL

³ 19/00376/LBC

living area towards the front elevation where the only windows would be located. From here moving towards the rear would be an open plan sleeping area, kitchen and dining area with an enclosed shower room and toilet. Two of the ground floor flats would have storage areas to the rear accessed from the flats themselves, while there would be a communal bin store area and cycle racks in the entrance foyer.

12. While the flats would meet the prescribed National Minimum Space Standards, they would be dark and somewhat dreary places in which to live due to the only windows being located to the front. This would allow low levels of light to permeate towards the kitchen and dining area to the rear. Moreover, to allow light in through the windows would cause those living on the ground floor to suffer reduced levels of privacy as pedestrians walking past would have clear views into those flats. This would be particularly stark considering that the sleeping areas would be located in the middle of the ground floors. The outlook from these windows would be of the opposing buildings which would evidently be only 7m from the appeal building across the narrow thoroughfare of King Street, which would be an oppressive and limited outlook.
13. Due to the lack of openings, the appellant states that mechanical ventilation would be installed to aid in allowing fresh air into the flats which would in turn mean that the windows to the front would not open. It is also stipulated that noise attenuation measures would be required, and that privacy film would be added to the windows. The plans also include references to a communal bin store, although this appears very small and unlikely to accommodate bins for 8 properties. This area also includes cycle racks in front of the doors for the bin store which would block access to them. I am informed that a scheme for the disposal of waste would be implemented and organised by the appellant. However, there is nothing before me to substantiate any of these measures.
14. The claim that the use of bicycles has declined since the end of the pandemic justifies the removal of the cycle racks would be completely contrary to paragraph 108 of the Framework which seeks to promote cycling as a means of sustainable transport.
15. I am informed that anti-social behaviour has occurred at the appeal site and squatters have taken to occupying the property. Be that as it may, the Council did not object to the principle of converting the building into flats. Indeed, I would agree that due to its city centre location there would be good access to transport and services. I am also informed that the older section of the building includes a very similar layout. However, as with other aspects of the appeal proposal I have very little information to support any of this and its therefore worthy of very little weight in favour of the scheme.
16. To conclude on this second main issue, the proposal would not provide suitable living conditions to prospective future occupiers of the proposal with regards to daylight, privacy, outlook, ventilation, waste disposal and cycle storage. This would be contrary to policy LP56 of the LP 1, which advises that development proposals should have no significant detrimental impact on the amenity of prospective users, prioritise access arrangements and facilities for pedestrians and cyclists over vehicles, and incorporate arrangements for servicing, waste handling, recycling and storage. The proposal would also be contrary to paragraph 135 of the Framework which seeks to ensure that developments include a high standard of amenity for existing and future users.

Conclusion

17. In conclusion therefore, the proposal would be contrary to the development plan and the Framework taken as a whole. With no other material considerations indicating otherwise, and a significant lack of information on several key matters, for the reasons given above I conclude that the appeal is dismissed.

C McDonagh

INSPECTOR