

Appeal Decision

Site visit made on 15 July 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Appeal Ref: APP/X4725/D/24/3345098

89 Batley Road, Wakefield WF2 0AB

- 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 Zigymantas Urbonas against the decision of Wakefield Council.
 - The application reference is 23/01000/FUL.
 - The development proposed is the demolition of outbuildings and section of rear; new roof to existing; front single storey extensions; and attached car port.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; the effect on the living conditions of future residents of this property with regard to outdoor amenity space; and the effect on the living conditions of the future residents of the neighbouring approved property with regard to privacy and outlook.

Reasons

3. The property was formally a distinctive, detached, period dwelling. It included details common to inter-war properties such as a well-articulated hipped roof with large overhanging eaves and a distinctive and well-proportioned front, two storey, projecting element that terminated in a curved two storey bay. The entrance was set within a separate complementary curved entrance bay. It was built in brick with a tiled roof with matching tile hanging to the bay. A very substantial flat roof structure had been added to the rear which was entirely at odds with the design and appearance of the property.
 4. The houses to the east appear to be of a similar age and although significant alterations and additions have taken place, these include complementary bays and materials. This is a mixed area with a supermarket and its carpark opposite to the north and a large playing field and its associated structures and infrastructure immediately to the west.
 5. A significant amount of work has already taken place but as it is not complete, I have generally considered the proposal on the basis of the submitted plans. I
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have however made reference to the works where the specific elements are relatively complete and appear to accord with the plans.

Character and appearance

6. The council has raised concerns with regard to the use of cladding. However, the loss of the distinctive design details of the house and the consistency of the property within the street scene have also been referenced by third parties. I have considered the proposed changes overall, on the character and appearance of the area.
7. The plans illustrate that all the distinctive period features of the property would be lost, including the front bay, the curved entrance porch, the hipped roofs and the chimneys. The proposal would result in a frontage with little character or architectural interest. It would be perceived as being of a significantly greater scale due to the lack of any relief to its roof form and its prominent, large, front gable. The loss of the mature tree to the frontage has increased the prominence of the property. Although not yet complete, it is evident from the plans and the works carried out, that the lack of design interest would be clearly evident. The uncharacteristic use of cladding to the upper level increases the prominence of this reduced quality elevation. Whilst the completion of the wrap around ground floor front extension would help to break up the appearance of this elevation, it would have a much less satisfactory appearance than the form and detail of the original dwelling.
8. The proposal includes the removal of the very large addition to the rear and the remodelling of part of it, to provide a sitting room with gym below. I understand that this removal was a requirement of a separate adjacent planning application. This has been largely carried out. As with the previous addition, the rear extension, does not align with the side wall of the house and appears as an incongruous and unsympathetic addition. The shallow pitched roof is entirely at odds with the new roof form of the main house. The contrast in materials between this structure and the side elevation of the main part of the house, which has been clad, increases the prominence of this element and emphasises its uncharacteristic form.
9. This house and its neighbours were generally built of brick but there are other materials present within the local environment. The lack of a unified local palette of materials would allow for the sensitive use of the alternative cladding material proposed. The development includes the use of brick to the ground floor and cladding to the upper floor across the frontage. However, this does not follow across to the side elevation which would be entirely clad. The inclusion of a single side window in the side elevation, which has not yet been inserted, would provide some limited relief to this large expanse of cladding. However, this large and visually dominant area of cladding, which sits between the contrasting brickwork of the single storey front addition and the similar height rear extension, appears to have been poorly thought out. It presents a particularly austere and poorly co-ordinated combination of elements and materials that would be a dominant feature within the Grasmere Road frontage.
10. Although not detailed on the plans, a brick wall, with inserts that match the cladding, has been constructed along the lower side boundary of the site. This

provides some unity and would provide some relief to the side elevation if continued along the boundary. However, even if this were to be required by condition, it would not overcome my concerns. Although much of the very large, poorly designed and intrusive rear addition has been removed, this proposed new arrangement also represents poor design and would be more prominent despite its smaller scale.

11. Overall, despite the removal of much of the rear addition, the proposal would increase the prominence of this corner dwelling due to the change in the form of the roof and the change in materials. The plans and works, demonstrate that it would result in the loss of the attractive features of the original house and it would replace them with a combination of elements and materials that would not sit together as a cohesive design. Although seeking a more contemporary appearance, the result is not of a quality that has had regard for this prominent location. It represents poor design that is entirely exposed due to the nature of this corner plot. The poorly thought-out arrangement of the contrasting brick and cladding materials draws more attention to the design shortcomings. The proposal would, when complete, despite the removal of the large area of previous extension, result in unacceptable harm to the character and appearance of the area.
12. The proposal conflicts with the design objectives of policies SP23(7), LP56 and LP57 of the Wakefield District Local Plan 2036 (2024)(LP) which seek to improve buildings, make a positive contribution to the environment and prevent harm to the character of the area. The National Planning Policy Framework 2023 is clear that development that is not well designed should be refused.

Living conditions

13. The council are concerned that the retained outdoor space for this property would be inadequate. This assessment appears to be based on the building works in place, rather than the plans. The position of the high rear wall as currently built, appears to reflect the position of the first retaining wall shown on the plans. The plans show a further area beyond this with steps down to it. The red line plan and the application form suggest that this area is in the appellant's ownership. This area is not yet developed for this purpose and the steps are not in place. Based on the plans, when complete and subject to appropriate boundary treatment, there would be good quality outdoor space for future residents.
14. The council is concerned that the appeal site overlaps with a site to the rear of this dwelling which has approval for the construction of a dwelling, reference 20/01302/FUL, dated 12 July 2021. It is not clear whether this permission remains extant and it is not for this appeal to determine whether that development would be lawful. If it were to be built in combination with this proposal, the proposed lower rear garden area would be lost. For completeness, I have assessed the amenity area as currently built, up to the illustrated first retaining wall.
15. Whilst the rear low level garden area that has been created is very enclosed, it offers a reasonable level of private amenity space. The outbuildings along the eastern boundary have also been removed which offers further outdoor space.

There is some concern about the amenity impacts of the use of the raised area immediately outside the kitchen. The plans and cross-sections are not sufficiently detailed in this regard but in any event, the council consider that this concern could be addressed by conditions. Overall, given the space available and the proximity to the public recreation area opposite, I am satisfied that the residents of this property would have adequate amenity space.

16. The council are also concerned that if the new dwelling were to be completed as shown on the approved plans, the appeal property would overlook it and be too close to it. The sitting room window in the rear extension would look towards the parking area and side elevation and gable of the proposed house. Whilst it would offer some views of the rear garden of that property, it would not unacceptably reduce privacy.
17. With regard to the proximity of the two dwellings, the council refer to the space standards set out in the Wakefield District Residential Design Guide Supplementary Planning Document 2018. This requires twelve metres between a main aspect and a side aspect and the supporting illustration shows a ground floor window facing a two storey gable on the same level. Although the proposed distance is reported by the council to be only eight metres, the new house would be at a lower level, particularly when considering the height of the sitting room window of this proposal. As the new dwelling would be set down, it would not unacceptably harm the outlook from the proposed sitting room. As the proposed neighbouring dwelling would have an aspect into its own garden and towards the road and recreation ground, the new rear extension would not be unacceptably overbearing.
18. Having considered the amenity concerns raised, I am satisfied that the proposal would not be at odds with LP policies LP56(n) or LP57(a-c) which seeks to avoid detriment to the amenity of existing and neighbouring residents.

Other Matters and Conclusions

19. The appellant is clear that the property was in a dilapidated state and in need of major renovation. Furthermore, the property had no insulation and significant changes were required to meet building regulation requirements. The improvements with regard to the thermal efficiency of the property must be afforded considerable weight and I also afford similar weight to the investment that was clearly necessary to bring the property back to a habitable condition. The re-introduction of the house back into the housing stock of the area has additional social and economic benefits. These benefits can be considered alongside the fact that I have not found there to be harm to the residents of this house or the neighbouring proposed house with regard to amenity.
20. Whilst I afford considerable weight to the benefits of returning this house to a habitable condition, with good levels of thermal efficiency, the reduction in quality of the proposed dwelling, compared to the original extended dwelling, weighs heavily against the proposal. The details proposed represent poor design in this context. There is nothing before me which suggests that such poor design standards were necessary to achieve the benefits put forward. Whilst some improvements, such as further boundary treatments, could be

achieved by way of requirements that could be controlled by conditions, these would not be sufficient to outweigh my concerns.

21. I conclude that the benefits of the proposal do not outweigh the design shortcomings or the harm that would result to the character or appearance of the area. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR