



Appeal Decision

Site visit made on 10 June 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2024

Appeal Ref: APP/X4725/W/23/3334447

2A Westfield Road, Horbury, Wakefield WF4 6LL

- 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 Sahota Sahota on behalf of PML Development & Lettings LTD against the decision of Wakefield Metropolitan District Council.
 - The application Ref 22/02360/FUL, dated 14 November 2022 was refused by notice dated 20 November 2023.
 - The development proposed is the demolition of the subject property and construction of two residential units to form a total of 12 flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Wakefield District Local Plan 2036¹ was adopted in January 2024, after the Council issued its decision. I therefore give full weight to the policies therein. As a result, policies in the Wakefield District Local Development Framework Development Policies 2009 referred to by the parties have been superseded. Accordingly, I have not afforded these policies weight in reaching my decision and will not refer to them further. Both of the main parties have been afforded opportunity to comment on this matter, and therefore, no party would be prejudiced by my approach.

Main Issues

3. The main issues are the effect of the proposal upon:
 - the character and appearance of the area, including Horbury Conservation Area, and;
 - the living conditions of occupiers of nearby properties with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is a sloping area of land between Tithe Barn Street and High Street, currently occupied by a disused former medical building. The site is adjacent to, but lies outside of, Horbury Conservation Area ('the CA') and forms part of its immediate setting. Bank Street follows the eastern boundary of the

¹ Wakefield District Local Plan 2036 – Volume 1 Development Strategy, Strategic and Local Policies (2024)

appeal site and is formed of stone built traditional terraced properties. To the west is located a detached residential property of red brick construction, and to the east is a commercial building of stone construction, which I understand to be a former chapel.

5. The significance of the CA is derived, insofar as is relevant to this appeal, from the range of traditionally designed and proportioned buildings of predominantly stone or brick construction focused around the High Street, and the historic network of streets. The current building on the appeal site, by being of concrete block construction, with a flat roof and of poor condition, does not positively contribute to this significance. However, its low-profile construction and limited street frontage limits this harm and allows views across and towards the CA, the boundary of which adjoins the south-eastern corner of the appeal site. The appeal site has an important function as the interface between the CA and other development within the surrounding area.
6. The proposal would comprise a residential development of two apartment blocks with one fronting High Street with the other backing on, with garden areas between. A parking area would be laid out addressing Tithe Barn Street.
7. Although a clearly modern development, the proposal would be of a general form and scale that would be reflective of the wider area and would utilise appropriate materials. The northern block, by being set behind the car parking area, would reflect the character of Tithe Barn Road, which is characterised by a mix of forms of development, including rear gardens, yards and parking areas. The southern block would closely address High Street and although it would erode some of the views of the CA when approached from the west along Westfield Road, it would provide a strong frontage presence on this main road reflective of buildings opposite, and the substantial boundary walls that adjoin the footway further to the west.
8. Whilst the proposal would result in the addition of large blocks within what is a relatively narrow site, which has led to some compromises in terms of garden space and access to it, I am satisfied that the form of development proposed is not excessive in scale or would amount to overdevelopment.
9. However, the form of accommodation that is proposed means that both accommodation blocks would incorporate six doors within the frontage elevations, with further patio doors and Juliette balconies above. Along with the proposed windows, this would lead to the front elevations having a significantly higher void to solid ratio than surrounding residential properties, including those within the CA, which are characterised by relatively small numbers of simple and modestly proportioned windows and doors. Where larger windows are found, for example within commercial properties, they are generally found at ground floor and form shop frontages.
10. In contrast to the surrounding area, the proposed arrangement of windows within the proposal would be overtly modern and suburban. The proposal would therefore appear as incongruous within the area, and the overall composition of the development within the setting of the CA, would lead to less than substantial harm to the significance of the heritage asset. Paragraph 208 of the National Planning Policy Framework ('the Framework') states that where a development would lead to less than substantial harm to a heritage asset, that this harm should be weighed against the public benefits of the proposal.

11. The proposal would comprise the redevelopment of a previously developed site, represent the efficient use of land and would deliver homes in an urban area with good access to services and facilities. These are all factors that align with advice within the Framework and represent benefits of the scheme to which I afford moderate weight.
12. The proposal would also lead to the removal of the existing building on the site, which is harmful to the CA, and is also said to be subject to vandalism and anti-social behaviour. However, I have found that the proposal itself would also result in harm to the CA, and it has not been shown that a less harmful form of redevelopment could not be achieved. Furthermore, there is no substantive evidence before me with regard to the frequency, nature or severity of vandalism or anti-social behaviour, nor has it been shown that an appropriate level of security at the site is wholly reliant on the proposal which is before me. I therefore afford these factors minor weight as benefits of the scheme.
13. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I therefore afford great weight to the less than substantial harm that I have found, and this is not outweighed by the benefits of the scheme that have been identified.
14. The proposal would lead to harm to the character and appearance of the area, including the significance of Horbury CA. It would therefore be contrary to Wakefield District Local Plan ('WDLP') Policies SP23, LP56 and LP63. Together, and amongst other factors, these policies state developments should protect and enhance local character, as well as conserve and enhance historic assets in accordance with their significance.

Living conditions

15. 2 Westfield Road ('No 2') is situated adjacent to the north-western corner of the appeal site. It has windows that face towards the appeal site and there is vegetation of a substantial height on the shared boundary. Notwithstanding this vegetation, it is apparent that some of the windows at No 2 face towards the existing building on the appeal site. The proposal would introduce a higher form of development onto the appeal site, but as it would also be set further to the south than the existing building, it would not appear overbearing when viewed from windows in the eastern elevation of No 2 which face the appeal site.
16. The proposal would be more prominent in views from windows in the southern elevation of No 2 and the Council has indicated that it would be visible within a 45-degree arc taken from these windows. This has not been disputed by the appellant. I have not been directed to any policy requirement in relation to this methodology, however it is a commonly used standard in relation to assessing the potential effect of a proposed development with regards to effect on outlook.
17. The proximity of the northern accommodation block to these windows means that it would lead to some loss of outlook. However, this block would be set away from the shared boundary, as is No 2 itself, which would mitigate the apparent size of this block to an extent. Overall, the proposal would not significantly harm the living conditions of occupiers of this property.

18. The northern block would also present a gable elevation to the rears of properties on Bank Street, being located adjacent to the rear boundary of gardens associated with these properties. It is not disputed that the separation distance between the rear elevations and the northern block would amount to around 15 metres, and that this would meet the guidelines within the Council's Residential Design Guide which states that a distance of 12 metres should be provided between rear elevations and a side elevation.
19. While the proposal would represent a sizeable structure located at the rear of these properties and would likely affect the levels of outlook available to gardens to a limited extent, given the levels of separation between the properties themselves that would remain, an acceptable standard of living conditions for occupiers of these properties would be maintained.
20. The southern accommodation block would adjoin the commercial premises on Bank Street and would adjoin the southern extent of the large garden associated with No 2. As a result, it would not affect the living conditions of the occupiers of nearby properties to any notable extent.
21. Overall, I consider that the proposal would not result in unacceptable harm to the living conditions of occupiers of nearby premises with particular regard to outlook. It would therefore be in accordance with WDLP Policy LP56, which amongst other factors, states that new developments shall have no significant detrimental impact on the amenity of neighbouring uses or residents.

Other Matters

22. I have been made aware that the Council granted planning permission for the demolition of the existing building and erection to existing furniture store for A1 retail use and formation of 9 car parking spaces in 2021. This planning permission expired in January 2024, and it has not been shown that the development commenced. Accordingly, I have afforded it very limited weight in my considerations.
23. It is stated that the proposal would not harm the setting of a Building of Local Interest located to the south of the appeal site. Even if I were to agree, this would be a neutral factor which would not weigh in favour of the proposal.

Conclusion

24. Although acceptable in some regards, the proposal would harm the character and appearance of the area, and lead to less than substantial harm to a designated heritage asset, as set out above. It would conflict with the development plan as a whole.
25. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan in this case. For the reasons given, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR