



Appeal Decision

Site visit made on 25 February 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2025

Appeal Ref: APP/X4725/W/24/3349197

220 Queens Drive, Ossett, Wakefield, West Yorkshire WF5 0NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Richard Walker against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/00649/S7301, dated 2 June 2023, was refused by notice dated 9 May 2024.
 - The application sought planning permission for two storey side extension, surface car parking area at front without complying with a condition attached to planning permission Ref 21/00649/FUL, dated 19 July 2021.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out strictly in accordance with the following approved plans as listed below and at the end of this decision notice unless required otherwise by this decision or its attached conditions: Elevation and block plan, Existing and proposed plans. Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.
 - The reason given for the condition is: For the avoidance of doubt as to what is authorised by this permission and in accordance with the National Planning Practice Guidance (Use of Planning Conditions, paragraph 022).
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension, surface car parking area at front at 220 Queens Drive, Ossett, Wakefield, West Yorkshire WF5 0NR in accordance with the application Ref 21/00649/S7301, without compliance with condition numbers 1, 2 and 3 previously imposed on planning permission Ref 21/00649/FUL and subject to the following conditions:
 - 1) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no windows or any other openings shall be created in the eastern elevation of the 2-storey extension hereby approved.
 - 2) The car parking area to front hereby approved shall not be brought into use until laid out with a hardened, sealed and drained surface. Provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property and no surface water shall be discharged on to the public highway.

Preliminary Matters, Background and Main Issue

2. Planning permission was granted in 2021¹ for a 2-storey side extension to the appeal dwelling. Condition No 2 of that permission sets out the approved plans for the development. I saw on my site visit that a two-storey side extension has been constructed. The appeal is seeking retrospective consent for alterations to the original design of the extension, including the omission of a set back from the principal elevation and a set down at the roof ridge.
3. The Council refused planning permission in this case as it considers that the two-storey side extension would fail to appear as a subservient addition to the dwelling which would unbalance the pair of semi-detached properties resulting in an over-dominant addition to the host property and harm to the character of the host property and visual amenity of the wider area. The main issue in this case is therefore the effect of the development on the character and appearance of the host dwelling and surrounding area.

Reasons

4. This stretch of Queens Drive is predominantly characterised by traditional 2-storey semi-detached houses of a similar age and style to the appeal dwelling. On the appeal site's side, pairs are set out parallel to the road with consistent spacing, materials and fenestration. However, there is some variation in the extent to which dwellings are set back from the footpath, with those at the eastern end of the street set further back than those to the west. Nevertheless, the street scene has a harmonious appearance, while the spacing and hipped roof forms provide regular breaks in the continuous built-up frontage.
5. The host dwelling comprises a 2-storey semi-detached house with a central chimney and hipped roof design. There is a double height projecting bay window to the front. The house is set back from the footpath behind a semi-open front garden and driveway, with a low boundary wall and a wide driveway access. As a constituent part of the street scene described above, it positively contributes to the prevailing pattern of development and the character and appearance of the area.
6. The Wakefield District Residential Design Guide Part 2: Guidance for Householders Supplementary Planning Document Adopted 31 January 2018 (the SPD) advises that extensions should normally be subordinate to the original house to reduce visual impact. It indicates that the Council will look to see that extensions are set back from the front of the house, set down from the existing roof line and do not upset the balance of a house, particularly at the front. The SPD states that side extensions should not alter the character of an area by creating an impression of a continuous building frontage facing the street, creating a "terracing effect".
7. The development comprises a 2-storey side extension to the existing house, finished in a similar brick with matching fenestration and a hipped roof design. The extension sits flush with the principal front elevation of the house and extends to the boundary line, with only a very modest gap between the side elevation of the extension and the low brick boundary wall. The eaves and ridge heights of the extension match those of the original house, as does the roof pitch and tiling.

¹ Council Ref 21/00649/FUL

8. While the extension does not strictly conform with the normal guidance in the SPD that seeks a “set back” and “set down” from the original house, it is of a complementary design and finish that integrates well with the original dwelling. It does not appear disproportionate to the original dwelling, and the roof retains its subordinate hipped form to the side. Additionally, the wide bay windows on the opposite side of the frontage provide a counterweight that maintains balance.
9. There is no side extension to the neighbouring dwelling at 222 Queens Drive and, as such, a gap is currently maintained between the two houses. The development therefore does not create an impression of a continuous building frontage. Nevertheless, even if No 222 were to seek to extend to the side in future, the host dwelling sits forward of its front elevation. A step in the frontage would thus be maintained, creating a visual break and reducing the sense of “terracing”.
10. There are several examples of two storey side extensions along this stretch of Queens Drive. The degree to which these conform with the SPD guidance and their relationship to their respective host dwelling varies. Notably, there is an example of a 2-storey side extension that is not set back from the principal front elevation at 232 Queens Drive. Other examples provide only a very minimal set back, in some cases to limited effect. In this context the appeal development does not appear unduly out of keeping with its immediate surroundings.
11. The development therefore does not have a harmful effect on the character and appearance of the site and surrounding area. It is in accordance with Policies LP56 and LP57 of the Wakefield District Local Plan 2036 Adopted 24 January 2024 (the Local Plan). These policies, among other provisions, seek to ensure all development respects, and where appropriate, enhances the character, function and overall quality of the locality, and that extensions to dwellings respect the character and scale of the dwelling and its location and do not result in significant harm to the character of the area.

Conditions

12. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect.
13. Condition Nos 1, 2 and 3 of the original planning permission are no longer required as the development has already been completed.
14. Condition No 4 has been reapplied to this decision, in order to safeguard the privacy of the occupiers of 222 Queens Drive. Condition No 5 has been reapplied to ensure that surface water draining from the car parking area does not discharge onto the public highway, in the interests of highway safety.

Conclusion

15. The development adheres to the development plan as a whole and there are no other considerations that would outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

INSPECTOR