



Appeal Decision

Site visit made on 11 February 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/X4725/D/24/3356210

41 Victoria Avenue, Wakefield, WF2 9QL

- 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 Sara Chaudhary against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 24/00865/FUL.
 - The development proposed is Two storey extension to side, single storey extension to rear and loft conversion with dormers to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council issued a split decision with permission refused for the two-storey extension and rear dormers and permission granted for the new front boundary wall and fence.
3. There was a previous appeal decision¹ (the previous appeal), which in accordance with case law is a material consideration as it is necessary to have consistency in decision making.
4. The appellant has submitted an additional drawing as an appendix to the Appeal Statement Ref 1034-PD-ZZ-DR-A-S2-0027-P01. This is a section drawing of the loft space. I have considered this additional information with regard to the judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin). In terms of the procedural test, given that interested parties would not be aware of this drawing, I consider that they would be prejudiced if I determined this appeal on the basis of this additional information. Consequently, I have not accepted this additional evidence as part of the appeal.
5. The National Planning Policy Framework (the Framework) was revised in December 2024. The 2024 revisions do not have any relevance to this appeal and I have therefore not consulted the parties on this change. I have had regard to the current Framework in my determination of this appeal.

Main Issue

6. The main issue is the effect of the proposed two storey extension and rear dormers on the character and appearance of the host property and surrounding area.

¹ APP/X4725/C/23/3316712

Reasons

7. The appeal site is one of a pair of semi-detached houses located on a corner plot. The surrounding area comprises semi-detached properties with hipped roofs. The similar styles and spaces between dwellings give the surrounding area a uniform appearance.
8. Planning permission was granted under LPA Ref. 18/02398/FUL for a two-storey extension to side, a single storey extension to the rear and loft conversion with two dormer windows. The approved plans show that the side extension would be stepped down from the ridgeline of the host property by 300mm. The side cheeks of the approved dormers would be clad with roof tiles to match the host property. Due to the stepped ridgeline of the extension the roof of the approved dormers would also be stepped downwards by 450mm.
9. The development has been completed, however the ridgeline of the extension as built is the same as that of the host property. Both rear dormers are positioned at the same height and clad with white uPVC. An enforcement notice was issued by the Council to the appellant on 13 January 2023. The enforcement notice was subject to the previous appeal and upheld. The requirements of the upheld enforcement notice included the reduction in height of the two-storey side extension by 0.3m; and replacement of the white uPVC cladding on the rear dormers and replacement with matching tiles hung with finish to match the roof materials of the host building. The period for compliance with the requirements was 9 months from the appeal decision made on the 7 September 2023. The current appeal seeks to rectify the work undertaken through an alternative proposal.
10. The Wakefield District Residential Design Guide: Part 2 Guidance for Householders (2018) (SPD) advocates extensions which are subordinate to the original house to reduce its visual impact. As a guide the SPD recommends that extensions are set down by a minimum of 500mm, however it recognises that other methods which achieve a subordinate appearance may be suitable.
11. As built, the ridgeline runs at the same height across the entire width of the original dwelling and the two-storey extension with both dormers sitting high in the roofline. This has resulted in a bulky addition which dominates the host property and is at odds with the well-proportioned character of the surrounding area. The proposed set down of the extension by 150mm would be imperceptible when viewed at street level and do little to improve its subservience to the host property.
12. The appellant puts forward that the proposed set down is only 50mm less than the 200mm which was approved. For the purposes of this appeal, I have considered the specifications set out in the Council's enforcement notice issued on 13 January 2023, which stated that the ridgeline must be set down by 300mm. Whilst the difference between the proposed set down and that required by the enforcement notice is relatively small in size, the larger set down of 300mm would provide a clear visual difference between the host property providing it with a subservient appearance.
13. As a result of the limited set down of the extension's ridgeline, the rear dormer within it would not be stepped down. It would match the bulk of the other rear dormer and over dominate the appearance of the rear roof profile of the host

property. Although the dormers would be clad in uPVC their impact would be lessened by matching the colour of the roof tiles.

14. Whilst there are limited views of the extension from neighbouring properties, due to its corner position the development is prominent within the immediate street scene. The cumulative impact of the proposal would over dominate the host property and appear discordant alongside the well-balanced proportions of neighbouring dwellings and disrupt the visual pattern of the wider street scene.
15. The appellant contends that the required set down of 300mm does not provide sufficient internal height and would encroach upon the entrance door to one of the new bedrooms. I also note the letter from the Council's Advance Social Work Practitioner with regards to the appellant's bedroom requirements. An additional plan was submitted as part of the appeal to illustrate the implications of the lower ridgeline on this door opening, however for the reasons I have set out I have not accepted this additional information. Even so, I have no substantive information before me which suggests that there are no alternative solutions to address the required needs of the appellant and their family.
16. The appellant has referred me to nearby permissions at nos. 31, 37 and 49 Darnley Avenue. In each of these examples the ridgeline of the approved extensions are stepped down and have hipped roofs. The side extensions, as permitted, have a subservient appearance to the host property, and therefore are not directly comparable to the appeal proposal for the reasons I have outlined above.
17. The proposal would harm the character and appearance of the host property and surrounding area. It thereby conflicts with Policy LP56 and LP57 of the Wakefield District Local Plan 2036 (2024). These policies seek amongst other things to ensure that development is not overbearing and results in significant harm to the character of the area.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
19. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR