



Appeal Decision

Site visit made on 27 May 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/X4725/W/25/3362538

35/37 Wakefield Road, Ossett, Wakefield WF5 9JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 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 David Whiteley against the decision of Wakefield Council.
 - The application reference is 22/02158/S7301.
 - The application sought planning permission for two residential flats without complying with conditions attached to planning permission 22/02158/FUL dated 14 December 2022.
 - The conditions in dispute are numbers 1 and 2 which state that:
 1. This permission shall relate to the following plans as listed below and at the end of this decision notice unless required otherwise by this decision or its attached conditions: Proposed Elevations received 19.10.2022, Proposed First Floor Plan received 19.10.2022, Proposed Ground Floor Plan received 19.10.2022, Proposed Site Plan received 19.10.2022, Proposed site sections received 19.10.2022, Natural stone, stone coloured render and blue slate samples - as per applicants letter dated 5/9/2022; and
 2. The building hereby approved shall be constructed in accordance with samples and details outlined on the applicants letter dated 5/9/2022. This includes natural stone to the south and west elevations and stone coloured render to the north and eastern elevations and a natural blue slate roof and tiles for the dormer. The materials of construction shall thereafter be retained and maintained.
 - The reasons given for the conditions are:
 1. 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); and
 2. In the interests of amenity and to accord with Policy D9 of the Local Development Framework Development Policies Document.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. Permission has been granted for this building to be used as two flats. The plans show a large dormer facing Ashley Road. This has been constructed but rather than being set back from the eaves, it has been extended to be flush with the front wall of the property. Similarly, the width of the dormer structure has been increased which has reduced the originally approved set-back from the sides of the roof.

4. The extension of the roof to eliminate any set-back from the eaves, results in poor design that detracts from the approved appearance of the building and represents a particularly poorly detailed new building that is harmful to the character and appearance of the area. Extending closer to the sides of the roof further emphasises the scale of the dormer structure and add to the main concern. The changes result in conflict with the design requirements of policies SP23 and LP56 of the Wakefield District Local Plan 2024. As it would represent particularly poor design it would also be contrary to the design expectations of the National Planning Policy Framework 2024 which is clear that development that is not well designed should be refused.
5. Concern has also been raised with regards to the materials currently used within the elevations of the dormer. However, this concern has been overcome as the appellant has indicated that the material would be altered to revert back to the originally approved hanging tiles.
6. The appellant advises that the dormer was increased in size to accommodate a greater amount of insulation. Whilst this represents a benefit to the efficiency of the building and maintains the approved room sizes, I am not satisfied that this benefit outweighs my main concern that the proposal results in a particularly poorly designed elevation. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR