

Appeal Decision

Site visit made on 11 October 2016

by David Cross BA (Hons), PGDip, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 November 2016

Appeal Ref: APP/N4720/W/16/3152791

Wrose View, 26 Otley Lane, Yeadon, Leeds LS19 7JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Hague against the decision of Leeds City Council.
 - The application Ref 16/02009/FU, dated 24 March 2016, was refused by notice dated 6 June 2016.
 - The development proposed is construction of 1no. 3 bed dwelling on the land adjacent to 26 Otley Lane, Yeadon.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues are:
 - The effect of the proposal on the character and appearance of the area and the Yeadon Conservation Area; and
 - The effect on the living conditions of adjacent and future residents with particular regard to overlooking and amenity space.

Reasons

Character and Appearance

3. The appeal site consists of an area of garden adjacent to 26 Otley Lane, which is one of a pair of semi-detached houses. It is proposed to erect a two storey dwelling on the site in line with the semi-detached properties. The new dwelling would have a vehicular access, turning area and parking spaces to the front and would share the access to the highway with No 26.
 4. The site is adjacent to the Yeadon Conservation Area (CA) which has a character reflecting the development of the area from a medieval village to an industrial mill town, which contributes to the area's significance as a designated heritage asset. It is adjacent to the northern boundary of the St Andrews Character Area of the CA which includes positive features such as agricultural buildings, later workers terraces and a distinctive footpath representing the remains of a historic route through the area. This footpath passes to the west and south of the appeal site. The sloping topography of the area within and around the application site is also representative of the hilltop location of the CA.
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5. The vehicular route of Otley Lane leads northwards out of the CA and progresses to the recent residential development of Millbank. Due to the slope of the appeal site up from the adjacent highway it is readily visible from Otley Lane, particularly when heading north. The site currently consists of an extensive area of garden which provides an attractive grassed area in views north from within the CA.
6. The proposal would replace this grassed area to the front of the site with a gravel driveway, turning area and parking spaces leading up to the proposed dwelling. When combined with the existing tarmac driveway to the front of the semi-detached dwellings this would create an extensive area of hard landscaping to the front of the site. This would have a relatively bleak appearance which would detract from the character and appearance of the street scene. This would be particularly visually intrusive as, due to the upwards slope of the site, it would be a prominent feature in views along Otley Lane from within the CA. Furthermore, it would be readily visible from the distinctive footpath leading through the CA from Otley Lane to North Terrace and which appeared at my site visit to be a popular pedestrian route.
7. I acknowledge that it is proposed to introduce and enhance planting within and around the area to the front of the site to soften the visual appearance of the proposal. However, this proposed planting is limited in scope and I consider that this would have a very limited effect in reducing the visual impact of the proposed driveway and associated works due to the extent of the area of hard landscaping.
8. The visual impact of the proposed driveway would be exacerbated due to the proposed reduction in the extent of hedging along the site boundary in order to provide a suitable visibility splay. This would particularly increase the visibility of the driveway when entering into the CA from Millbank.
9. The proposed dwelling would be of a simple modern design which is not representative of the buildings of special character within the adjacent CA. However, in views from the CA it would be viewed within the context of the adjacent modern semi-detached dwellings and I note that the proposed dwelling has been designed to reflect the design and materials of the adjacent dwellings.
10. Furthermore, the proposal would be viewed against the backdrop of modern dwellings on Whitestone Crescent and would not appear out of character with these properties. Similarly, although the north elevation of the dwelling would be readily visible in views on the approach into the CA from Millbank, this modern residential development includes prominent gable walls in views along the highway. The gable wall of the semi-detached dwellings adjacent to the appeal site is also currently visible in views from Millbank. Therefore, despite its relatively prominent location, the siting and design of the proposed dwelling would not be harmful to the setting of the CA or the character and appearance of the area.
11. Notwithstanding my comments in relation to the siting and design of the proposed dwelling, I conclude that the proposed driveway and associated works would be detrimental to the character and appearance of the area and the setting of the CA. The proposal would therefore conflict with Policy GP5 of the Leeds Unitary Development Plan Review 2006 (UDP) which states that development proposals should resolve considerations including landscaping.

12. The proposal would also conflict with Policy P10 of the Leeds City Council Core Strategy 2014 (CS) which seeks to protect and enhance historic assets and the visual amenity of the area including surrounding routes. It would also conflict with Policy P11 of the CS which seeks to conserve and enhance the historic environment. These policies are broadly consistent with the National Planning Policy Framework (the Framework) in relation to requiring good design and conserving and enhancing the historic environment. The proposal would also conflict with the advice of the Neighbourhoods for Living Supplementary Planning Guidance 2003 (SPG) in relation to providing well designed private open space for dwellings which is appropriate to the character of the area.

Living Conditions

13. The Council has expressed concern that the proposal would result in overlooking of neighbouring properties. At my site visit, it was apparent that the east elevation of the proposed dwelling would be located in close proximity to the rear elevation of 17 Whitestone Crescent.
14. Details in relation to the separation distance and site levels between the proposal and the rear elevation of No 17 have not been provided to me. However, based on my observations on site, the first floor bedroom window to the rear of the proposed dwelling would enable direct views of the windows on the rear elevation of No 17, despite the dwelling being located at an angle to the proposal. I acknowledge that there is a tree located between the properties, but this appeared to offer a limited degree of screening and in any case its retention cannot be relied upon. I conclude that due to the proximity of the bedroom window of the proposal to windows on the rear elevation of No 17, the proposed dwelling would be detrimental to the privacy of residents of the neighbouring property.
15. The Council has also referred to the potential for overlooking from the rear dining room window of the proposed dwelling. In particular, the Council state that the separation distance between the rear elevation of the dwelling and the boundary of the site is 7.5m which is less than the 10.5m recommended for windows to living room/dining areas by the SPG. However, I note that these distances are for guidance only and that allowance can be made for unconventional situations including sloping sites. It was apparent at my site visit that the proposal would be located lower down the hill slope than the dwellings on Whitestone Crescent and that the boundary treatment would prevent direct views from the ground floor of the proposal onto No 17. Therefore, I conclude that the proposal would not lead to overlooking or loss of privacy resulting from the rear ground floor windows of the proposed dwelling.
16. The Council has also expressed concern that the external amenity space around the proposed dwelling would not be suitable for use by future residents, particularly due to the sloping topography of the site. However, whilst I acknowledge that this sloping site would restrict the useable area of garden, the substantial area of amenity space around the proposed dwelling would offer suitable opportunity to adapt the site to the needs of future occupants. This is reflected in the amenity areas of nearby properties which, despite the sloping topography, provide appropriate amenity space for residents.
17. Notwithstanding my comments in relation to amenity space, I conclude that the proposal would be detrimental to the living conditions of nearby residents as a result of overlooking and loss of privacy. The proposal would conflict with

Policies GP5 and BD5 of the UDP which seek to prevent loss of amenity. The proposal would also conflict with Policy P10 of the CS which seeks to protect residential amenity. These policies are broadly consistent with the Framework in relation to securing a good standard of amenity for occupiers of land and buildings. The proposal would also not comply with the aims of the SPG in relation to the protection of dwellings from being overlooked.

Other Matters

18. I note the frustrations expressed by the appellant in relation to the communication from the Council leading up to their decision. However, this is not a matter for this appeal which I have determined on its planning merits.
19. I have taken into account other concerns raised locally, including the implications for highway safety, parking, loss of light, land ownership and utilities. However, they do not add to my reasons for dismissing this appeal.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR