

Appeal Decision

Site visit made on 29 November 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 08 December 2016

Appeal Ref: APP/N4720/D/16/3157725
1B Newlay Lane, Horsforth, Leeds LS18 4LE

- 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 & Mrs Daniel Austin against the decision of Leeds City Council.
 - The application Ref 16/03818/FU, dated 16 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is alterations to the front boundary wall to form additional parking.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to the front boundary wall to form additional parking at 1B, Newlay Lane, Horsforth, Leeds LS18 4LE in accordance with the terms of the application, Ref 16/03818/FU, dated 16 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan & Elevations 16/0604/03; Proposed Extension Location Plan & Block Plan 16/0604/02
 - 3) Upon completion of the works authorised by this permission the works shall be made good and match the existing wall in terms of colour; texture; profile; dimension; scale; coursing; and colour and type of mortar jointing.

Procedural Matter

2. The description of development on the application form is given as "proposed two-storey rear extension and alterations to front boundary wall to form additional parking area". The officer report in respect of the application makes it clear that the appellants withdrew the rear extension element during the course of the determination. Consequently, I have considered the appeal on this basis and used the description of development given on the appeal form in the banner heading above.
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Main Issue

3. I consider the main issue in this appeal to be whether the proposed development would preserve or enhance the character or appearance of Newlay Lane Conservation Area.

Reasons

4. The appeal dwelling is one of a pair of fairly modern detached houses set back from Newlay Lane, a winding thoroughfare that slopes down toward the River Aire, a bridge over which is close to the appeal site. To the front of the appeal dwelling, and immediately adjoining the lane, there is a tall stone boundary wall, which continues the flank building line of 1 Newlay Lane, a substantial detached villa-style property. Other tall boundary walls adjoin the lane further up along its course. In the immediate environs of the appeal site, the character of the area is principally residential, but with a mixture of styles and types of property and boundary treatment, with 1A's boundary wall being of a considerably lower height than that of the appeal property, and not as extensive across its street frontage. The proposed development would remove just over 1m of the appeal property's front boundary wall to facilitate vehicular access.
5. The appeal property is within the Newlay Conservation Area. The character of the area derives to a substantial degree from a townscape blending elements of both town and countryside. Taken together with a predominant architectural aesthetic of Victorian-era villas of substantial scale and massing employing a restrained materials palette, this townscape character contributes considerably to the area's significance.
6. At my visit, I saw further up and on the same side of the lane as the appeal site that the tall walls and side elevations of villa style properties are tight up to the lane and offered a degree of enclosure to it. However, the area in the immediate vicinity of the appeal site offered something of a contrast to this pattern, firstly, through views opening up to the bridge, the river and the dense woodland beyond; and secondly, through the more modest scale of the properties and boundary treatments beyond 1B. The character of the area around the appeal site thus differs considerably from that of the more elevated parts of the lane, which is exacerbated by the gap between 1B's boundary wall and that of 1A.
7. Due to the nature of the appeal site's immediate surroundings, and the very modest amount of wall that would be removed, the proposed development would not degrade the character of the conservation area to any material degree. A considerable amount of the wall would remain, which would clearly read together with the flank wall of No 1, and maintain a sense of enclosure to the lane in views looking down towards the river, in the context of other villa-style properties in the surroundings. The context of the interface of town and country adjacent to the bridge would not be interfered with to any degree. In this way the contribution of the wall to the architectural and townscape significance of the conservation area would not be diminished. Whilst I note that the wall is substantial and built to a high standard, I am mindful that a condition could ensure that the permitted alterations are carried out in a manner that respects its quality.

8. Accordingly, as I find that the proposed development would cause no harm to the significance of the Newlay Conservation Area, I cannot discern any conflict with the National Planning Policy Framework (the Framework) in this regard. Neither, as the proposed development would not fail to preserve or enhance the character or appearance of the area do I find a conflict with the statutory duty arising from section 72(1) of the (Listed Buildings and Conservation Areas) Act 1990. For these reasons too, the proposed development would meet Policies P10 and P11 of the Leeds City Council Core Strategy (adopted November 2014); and Policies GP5, N19 and N20 of the Leeds Unitary Development Plan Review (adopted July 2006) (the UDPR); and the guidance contained in the Newlay Conservation Area Appraisal and Management Plan (adopted November 2008). Taken together, and amongst other things, this policy and guidance seeks to ensure that development protects and enhances the quality, character and appearance of existing historic townscapes.
9. I note reference to Policies N18A, N18B and N20 of the UDPR in the decision notice. Of these, as Policy N20 refers explicitly to the demolition or removal of features such as boundary treatments, I consider this to be of most relevance to the appeal scheme, as the other two policies are more clearly focussed on more substantial buildings. Whilst I can see no relevance of Policy N18A to the appeal scheme, in terms of Policy N18B, which seeks a clear after-use following demolition, the use of the appeal site is clear from the description of development and related documents. Moreover, I saw onsite that adjacent to the access to the appeal site a considerable number of pedestrians walked along the highway towards the bridge. Cars parked on the other side of the road to the appeal dwelling also pushed traffic travelling in both directions close to the access to the appeal site. Consequently, the proposed development, through widening emerging visibility from the appeal site would be of considerable benefit to highway safety, by helping to avoid conflicts with passing traffic and pedestrians. As the proposed development would clearly facilitate this beneficial use, I can discern no conflict with N18B in this regard.

Conditions

10. I have assessed the Council's list of suggested conditions against the tests given in paragraph 206 of the Framework which states that they should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
11. In the interests of certainty, I have attached a condition specifying the approved plans. In order that the proposed development is as sensitive as possible to the character and appearance of its surroundings, I have attached a condition requiring the use of matching materials and techniques in any making good.

Conclusion

12. The proposed development would not conflict with the policies of the development plan insofar as they are relevant and have been brought to my attention. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR