

Appeal Decision

Site visit made on 15 November 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 13 December 2016

Appeal Ref: APP/N4720/W/16/3157012

Land at Thorp Arch Grange, Thorp Arch, Leeds LS23 7BA

- 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 Stirling Investment Properties against the decision of Leeds City Council.
 - The application Ref 16/03266/FU, dated 23 May 2016, was refused by notice dated 21 July 2016.
 - The development proposed is erection of 1no. dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including the effect upon a protected tree.

Reasons

3. The appeal site is formed by a small parking area and a modest area of grassland situated within the grounds of a large, stone built Victorian building known as Thorp Arch Grange, which has been converted into a substantial office complex. The immediate area around the appeal site is a mix of office development to the south west within Thorp Arch Grange and residential development to the north and east. The appeal site is visibly detached from the nearby residential development by the boundary wall of the Thorp Arch Grange complex and the mature hedgerows and trees along the access lane. As a result, it has the appearance of being within the grounds of the complex.
 4. I acknowledge that office and residential developments are not always incompatible *per se*. However, in this case, the proposal would result in an incongruous and awkward juxtaposition between commercial and residential properties, with the lone dwelling appearing 'adrift' within, and out of keeping with, a wider commercial area.
 5. The applicant accepts that the proposed development would result in the loss of a mature tree protected as part of a blanket Tree Preservation Order. However, the arboricultural impact assessment (AIA) submitted by the appellant states that the 'category c' tree is of relatively low quality. Furthermore, the AIA indicates that the tree should not be considered for
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retention as it presents a significant constraint to the development and, given its relatively low quality, its retention would be inappropriate.

6. Based upon what I saw during my site visit, the tree appeared to be healthy and was visible from various points in the surrounding area. It may be that the tree is, as a standalone specimen, of 'category c' quality. Nonetheless, in my judgement, it makes a positive contribution to the rural character of the area and forms an integral part of the landscape buffer, which serves to separate neighbouring residential and commercial uses. Having given due consideration to these matters, I conclude that the loss of the tree would be detrimental to the character and appearance of the surrounding area. I am not persuaded that a landscaping scheme for the site would have any significant mitigating effect.
7. Given surrounding development densities, I am not persuaded that the appeal proposal would appear crammed onto its plot. Nonetheless, I still find that the scheme would be harmful and conclude that it would have an adverse impact upon the character and appearance of the area. Therefore, it would not comply with Policies P10 and P12 of the Leeds Core Strategy and saved Policies GP5, LD1 and BD5 of the Leeds Unitary Development Plan. Amongst other matters, these policies seek to ensure that development has no adverse effects on the character and quality of existing natural assets, such as protected trees, enhances the existing character of the area, is based on a thorough contextual analysis and understanding of the locality and is of good design that is appropriate to its location, scale and function.

Conclusion

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

Andrew McCormack

INSPECTOR