
Appeal Decision

Site visit made on 17 January 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 07 February 2017

Appeal Ref: APP/N4720/W/16/3163210

Land adjacent to 6 High Cliffe, St Michaels Lane, Burley, Leeds, West Yorkshire LS4 2PE

- 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 Richard Fox against the decision of Leeds City Council.
 - The application Ref 16/00350/FU, dated 30 December 2015, was refused by notice dated 17 May 2016.
 - The development proposed is the construction of a 4 bedroom end terrace with parking on land adjacent to 6 High Cliffe, Burley, Leeds.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application plans show two parking spaces. As part of the appeal, the appellant has included a plan for three spaces. As this is a minor amendment, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take this amended plan into account. I shall therefore determine the appeal and application for planning permission on the basis of the plans referred to on the decision notice (refs HC(P)01, HC(P)02), as well as the parking plan submitted as part of the appeal.
3. The highway authority submitted a late representation. However, as this related to a reason for refusal it was material and I accepted it. The appellant was given the opportunity to comment. I have taken the highway authority representation, and the appellant's comments in relation to it, into account in the determination of this appeal.

Main Issues

4. The main issues in this appeal are;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed development would provide acceptable living conditions for occupiers of the proposed development with regard to amenity space provision; and,
 - the effect on highway safety.

Reasons

5. A presumption in favour of sustainable development is at the heart of the National Planning Policy Framework (the Framework). The appeal site is
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previously developed land located within a residential area of Leeds. The site has good access to public transport and the services and facilities that the city has to offer. As a result, I agree with the parties that it is in an accessible location and in principle is suitable for residential development.

Character and appearance

6. Of the various development plan policies and guidance referred to, I consider policy P10 of the Leeds Core Strategy to be the most relevant to this issue. This policy requires the protection of the character and appearance of a locality through high quality design that respects local design features.
7. The appeal site is located in an urban part of Leeds that is characterised by terraced red brick housing from the early part of the twentieth century. The site is located at the end of High Cliffe, which is a row of terraced housing facing St Michaels Lane. The ground floor bay windows on the front elevation of the houses, with pitched roofs over that form open porches to the entrance doors, provides relief and visual interest. As a result, the terrace has a regular rhythm of development, is attractively designed, and in addressing the streetscene, makes a positive contribution to it.
8. The proposed house would be orientated so that, in effect, the front of the house would face Talbot Mount and its rear would face St Michaels Lane. As a result, the proposed development would present a patio door within a flat fronted elevation to the Lane. In the context of the terrace, this would be distinctly at odds with the appearance of neighbouring dwellings. It would result in an incongruous dwelling that would have a significant adverse effect on the character and appearance of the terrace when viewed from the Lane.
9. The entrance door and lobby to the house would be located within the Talbot Mount elevation. In order to provide level access to the property, unlike with other houses in the terrace, there would be no steps up to the entrance door. Consequently, the doors and windows of the dwelling would be set at a lower level than neighbouring properties. Even so, the use of windows of a shorter height than in the rest of the terrace would result in a house with far less of a vertical emphasis than is characteristic of the terrace. As a consequence, in combination with the pronounced forward projection of this elevation, this would result in an awkward looking building that would be at odds with the terraced housing that forms the Talbot Mount street scene.
10. Given that the external finish of the lower half of the house would be brick, there would be sufficient continuity in materials for the use of render on its upper walls not to be problematic. Nevertheless, this finding is insufficient to overcome the adverse effects of the design that I have described.
11. For all of these reasons, I therefore conclude that the proposed development would be poorly designed and would unacceptably harm the character and appearance of the area. As a consequence, it would be contrary to policy P10 of the Core Strategy and inconsistent with the core planning principle of the Framework that seeks high quality design.

Living conditions

12. At present No 6 is served by a garden of ample size. The proposed dwelling would occupy land to the side of the house and, whether two or three parking spaces are provided, would result in a significant part of the garden being occupied by parking, with the remaining amenity space shared between No 6 and the proposed dwelling.

13. Whilst the appellant states that the proposed house has been designed for the young professional market, as a four bedroom property, it would be a family sized dwelling and needs to be assessed accordingly. 'Neighbourhoods for Living' is supplementary planning guidance (SPG) that has been formally adopted by the Council and whose emphasis on good design is consistent with the Framework. As a result, I attach significant weight to it. It guides that family homes should have a private garden in area that, as a minimum, is two thirds of the gross floor area of the dwelling, excluding vehicular provision. The proposed development would fall well short of this level of provision and would also considerably reduce the garden area that would be available to No 6. The size of amenity space proposed would therefore be inadequate and far less than is reasonable for a family sized dwelling. Public open space is available in the area. However, this would not compensate for the inadequate private amenity space provision proposed.
14. Taking all these matters into account, I therefore conclude that inadequate amenity space would be provided to the proposed house. In combination with the erosion of garden space available to the existing house, this would unacceptably harm living conditions, contrary to policy P10 of the Core Strategy, saved policies GP5 and BD5 of the Leeds Unitary Development Plan (UDP) and the SPG. These policies, amongst other matters, seek to ensure a good standard of amenity through high quality design and the protection of useable space. It would also be contrary to the core planning principle of the Framework which seeks a good standard of amenity for all existing and future occupants of buildings.

Highway safety

15. I saw that without encroaching onto the pavement No 6 has one off road parking space to the side of the house. As part of the application, two parking spaces were proposed to serve the existing dwelling and proposed property. At appeal stage, amended plans for three parking spaces have been submitted that I have also taken into account.
16. The parking policies contained in the UDP have been superseded by policies of the Core Strategy. Policy T1 of the Core Strategy manages transport and advises that parking policies will be prepared in a supplementary planning document. However, no reference to such policies has been provided. The Highway Authority appears to consider that the provision of three on-site parking spaces is necessary. The appellant believes two spaces would be appropriate. Given the accessibility of services and facilities from the appeal site, and the emphasis in the Framework on encouraging the use of sustainable modes of transport, I find that in this instance, in the absence of adopted parking standards, the provision of two parking spaces between the two dwellings would be an acceptable level of provision.
17. The proposed parking and turning area for two vehicles would be large enough for its purpose. It is also accepted that a suitable gradient for the driveway could be secured by condition. Visibility at the site access with respect to the north east is limited. However, as oncoming vehicles from this direction would be travelling on the opposite side of the road, and the speed limit is 20mph, safety would not be materially impaired.
18. In terms of the plan showing three parking spaces, I agree with the Highway Authority that the parking and turning area would only be large enough to cater for three small cars. As a result, should one, or more cars be a medium

or large car, which is a reasonably likely occurrence, only two cars would be able to park on site. However, as I have found that two parking spaces would be an acceptable level of parking provision highway safety would not be harmed.

19. For all of these reasons, I therefore find that the proposed development, whether providing two or three parking spaces as shown in the submitted plans, would provide adequate parking in compliance with policy P10 of the Core Strategy and would not harm highway safety. This policy, amongst other matters, seeks well designed car parking and high quality design that protects surrounding routes.

Other matters

20. Reference has been made to permission that was granted in Leeds for an end of terrace house with little amenity space and one off road parking space without a turning area. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

21. The site is previously developed land in an accessible location. In principle residential development of the site is acceptable. However, any presumption in favour of development is clearly outweighed by the comprehensive harm the proposal would cause to the character and appearance of the area and the living conditions of future residents. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector