

Appeal Decision

Site visit made on 14 February 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/N4720/W/16/3161742

2 Fourth Avenue, Wetherby, LS22 6JW

- 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 Nigel Powell against the decision of Leeds City Council.
 - The application Ref 16/03664/FU, dated 9 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed is a new dwelling adjacent to existing semi-detached house, including alterations to the existing driveway.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling adjacent to the existing semi-detached house, including alterations to the existing driveway at 2 Fourth Avenue, Wetherby, LS22 6JW in accordance with the terms of the application, Ref 16/03664/FU , dated 9 June 2016, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed dwelling upon the (i) character and appearance of the area; and (ii) the living conditions of the occupiers of No 2 Fourth Avenue in respect of light and outlook.

Reasons

Character and Appearance

3. The site is the large side garden of No 2 Fourth Avenue and is situated on the corner of Fourth Avenue and Walton Road. Fourth Avenue is part of a housing estate which the Council says was built to serve the Royal Navy Shore Training facility HMS Ceres. The dwellings themselves are of little architectural interest but the estate has a certain attraction deriving from generous grass verges and some large side gardens.
 4. That said, this plot is right at the edge of the estate rather than being within its heart and its side garden is particularly big, even when compared with other corner plots. Even if the dwelling were to be built, there would still be a generous amount of garden to the side. Therefore, the proposed development would not harmfully diminish the spacious character of the estate.
 5. Most of the dwellings in the estate are semi-detached or terraced. However, whilst the proposed dwelling would be detached, its scale and form would be similar to that of No 2 and it would therefore not look out of place. I note the
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Council's comments about the plain gable elevation but an amended plan has been submitted as part of the appeal showing 2 small windows on the upper levels to add some visual interest. As this is a minor cosmetic detail I do not consider that neighbours would need to be re-notified of the amendment and therefore I will base my decision upon these amended plans. I consider that the amended appearance of the gable would be acceptable.

6. I appreciate that the dwelling would be closer to Walton Road than the existing dwelling on the plot, but it would be sited to respect the established building lines on both Walton Road and Fourth Avenue, and therefore it would not look out of place, dominant or obtrusive in the street-scene.
7. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the area. Consequently, I find no conflict with Policy GP5 of the Unitary Development Plan Review 2006 and Policy P10 of the Leeds Core Strategy, 2014, (CS) which, in combination, seek to ensure that development is of a good design which respects local character. I find no conflict with The Council's Supplementary Planning Guidance, *Neighbourhoods for Living*, 2003, (SPG) which has similar objectives neither do I find conflict with the National Planning Policy Framework which promotes good design.
8. The Council has quoted UDP Policy H2 in its reason for refusal but this is concerned with monitoring the annual completion of dwellings and so it is not directly relevant to the main issues.

Living Conditions

9. The windows in the side of No 2 Fourth Avenue are secondary windows as the habitable rooms also have windows facing to the front and rear of the property. Therefore, whilst there would be some change to the outlook from the bedrooms and living room, and some reduction in the amount of daylight and sunlight light getting through the side windows, the changes would not be harmful to living conditions.
10. I therefore conclude that the proposed dwelling would not have a harmful effect upon the living conditions of the occupiers of No 2 Fourth Avenue. Consequently, I find no conflict with UDP Policy GP5 and CS Policy P10 which seek to protect residential amenity. Neither do I find conflict with paragraph 17 of the Framework which says that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

11. I have considered the Council's concern about precedent. Given that I have concluded that the proposal would be acceptable on its own particular merits, I can see no reason why it would lead to harmful developments on other sites in the area. I have considered all other matters raised but none outweigh the conclusions I have reached.

Conditions

12. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary in the interests of precision, to define the plans with

which the scheme should accord. Conditions in respect of materials, bin storage and tree protection are necessary in the interests of visual amenity. Obscure glazing is necessary in the interests of the living conditions of 15 Walton Road. Details of cycle parking are required in the interest of security and sustainable transport choices. A condition is attached in respect of access and parking in the interests of highway safety. I have not imposed conditions requiring full details of the pavement crossing as sufficient detail has already been provided for planning purposes. I have not imposed a condition requiring details of existing drains as this is covered by other legislation and would therefore fail the test of necessity. I have not imposed a condition relating to motorcycle parking as the proposal includes a drive.

Conclusion

13. I allow the appeal subject to conditions.

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin no 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 Location Plan; Site Layout, Floor Plans and Elevations Revision A.
- 3) The dwelling shall be constructed of the external materials stated on the approved plans.
- 4) Before the first occupation of the dwelling, the windows on the elevation facing 15 Walton Road shall be obscure glazed and non-opening and shall remain so thereafter.
- 5) The tree shown on the site layout plan and any other trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 6) Before the first occupation of the approved dwelling, details of the provision of bin storage and cycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented before the first occupation of the dwelling.
- 7) The dwelling shall not be occupied until the means of vehicular access and parking area have been constructed in accordance with the approved plans. The access shall and parking area shall be formed of a bound material and shall be drained so that surface water does not discharge

onto the highway. The access and parking area shall be retained as such thereafter.