
Appeal Decision

Site visit made on 14 February 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 17 March 2017

Appeal Ref: APP/N4720/W/16/3160026

7 Ouzlewell Green, Lofthouse, Wakefield, West Yorkshire WF3 3QR

- 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 S Leonard against the decision of Leeds City Council.
 - The application Ref 16/02611/FU, dated 22 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is Demolition of existing property and erection of 3 no. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have also dealt with another appeal (Ref: APP/N4720/W/16/3160759) on this site. That appeal is the subject of a separate decision. Although the Appellant requested that the 2 cases be considered at an informal hearing, I am satisfied that both appeals fall within the criteria to be determined via the written representations procedure set out in the Planning Inspectorate's guidance¹. I have dealt with the appeals on this basis.

Main Issues

3. The main issues are:
 - (a) The effect of the proposed development on the character and appearance of the site and the surrounding area;
 - (b) The effect of the proposed development on the living conditions of occupiers of neighbouring dwellings; and
 - (c) Whether the proposed development would, having regard to its layout and garden sizes, provide satisfactory living conditions for its future occupiers.
4. The Council's first, third and fourth reasons for refusal and relevant aspects of the second reason for refusal are addressed under my main issue (a). The remaining matters in dispute are addressed in main issues (b) and (c).

¹ 'Procedural Guide: Planning Appeals – England', Planning Inspectorate, August 2016 – Annex K

Reasons

Policy Context

5. The existing development plan includes the Leeds Core Strategy (LCS) 2014 and the Saved Policies of the Leeds Unitary Development Plan (LUDP) 2006. Whilst the LUDP is now somewhat dated, Saved Policies GP5, N24 and BD5 broadly accord with relevant aspects of the National Planning Policy Framework (the 'Framework'). In accordance with paragraph 215 of the Framework they carry substantial weight in my decision.

Character and appearance

6. The appeal site forms part of a narrow ribbon of development extending into open countryside from the built up area of Lofthouse. Whilst the buildings in the area have a mix of sizes, orientations and styles, the overall built pattern is strongly linear. The area benefits from expansive views towards the nearby countryside. The western edges of the appeal site and nearby properties form a prominent and well-defined interface with the open fields to the west.
7. The existing house at 7 Ouzlewell Green is an attractive traditional brick and slate building and much of the site constitutes a residential garden which also contributes to the character of the area. However, the building and site are not of such merit as to preclude their redevelopment in principle. I also note that there are large dwellings next to the site and some of the development further to the south on Ouzlewell Green is quite tightly packed.
8. However, the new dwelling at plot 3 ('dwelling 3') would, due to its location to the rear of the site, mark a significant diversion from the linear pattern of the existing development in the area. Although various buildings exist in some nearby rear gardens these are smaller and do not interrupt the existing development pattern in the same way.
9. Furthermore, dwelling 3, by virtue of its scale, location and lack of integration with the predominantly linear form of development in nearby plots, would be a prominent and incongruous feature when seen in views across the neighbouring fields, including from Cemetery Lane. Whilst I note the Appellant's intention to retain the hedge along the western boundary of the site, this is of limited height and there would be insufficient space between dwelling 3 and this boundary for effective screening to be provided.
10. I agree that dwelling 3 would not materially harm the openness or purposes of the Green Belt as it would not be located within it. However, this point does not mitigate the visual harm that it would cause.
11. In addition, the spacing around the 3 dwellings would be notably more restricted than it is for immediately adjacent dwellings. Whilst the height of the dwellings in plots 1 and 2 ('dwellings 1 and 2') would not in my view be excessive, the development as a whole would cause a material loss of spaciousness and appear cramped. Views towards it from Ouzlewell Green would be dominated by a combination of the houses themselves, their driveways and turning areas at the front of dwellings 1 and 2.
12. I accept that the development would not be within a Conservation Area or affect the setting of a Listed Building. I also agree that there is no strongly defined vernacular style within the area or requirement to match the design of

neighbouring dwellings, which is varied in any event and that some other houses in the area have extensive hard standings. The proposed use of brick and slate is to be welcomed. However, these points do not mean that the proposal would have an acceptable effect in relation to this main issue.

13. Having regard to all these points I consider that the proposed development would cause substantial harm to the character and appearance of the site and the surrounding area. Its approval would conflict with relevant provisions of Saved Policies N24, GP5 and BD5 of the LUDP, Policy P10 of the LCS, the Framework and the 'Greening the Built Edge' Supplementary Planning Guidance related to this matter. Whilst the proposal would not conflict with Policy H2 of the LCS this point does not outweigh the other policy breaches identified.

Living conditions within neighbouring dwellings

14. The main front and rear elevations of dwelling 3 would face directly towards the boundaries between the appeal site and numbers 5 and 11 Ouzlewell Green. These elevations would, according to the Council be just 6-7 metres and 7-9 metres respectively from the grounds of these properties and there is nothing before me to refute these figures. The relevant elevations would also contain habitable room windows on 2 storeys (facing number 5)² and 3 storeys (facing number 11).
15. Whilst a garage is located in the grounds of number 5 next to the appeal site, the position of this would not prevent overlooking from rooms in the first floor of dwelling 3 into the grounds of number 5 in front of the garage. Similarly, an existing garage within the grounds of number 11 would not prevent overlooking of the grounds of that property from dwelling 3.
16. I accept that in residential areas, some overlooking of gardens from neighbouring property can normally be expected. I also consider that the guideline minimum length of 10.5 metres for distances between main windows and boundaries set out in the Neighbourhoods for Living Supplementary Planning Guidance (NLSPG) needs to be applied with caution. Any inter-visibility between windows in dwelling 3 and those in numbers 5 and 11 would also be at an oblique angle. The erection of dwellings 1 and 2 would also, having regard to their positioning and design, not cause any overbearing or other adverse effect on living conditions in numbers 5 or 11.
17. Having regard to all these points I consider that, by causing overlooking of the rear gardens of numbers 5 and 11 from dwelling 3, the proposal would cause moderate harm to the living conditions of occupiers of these properties. To this extent, its approval would conflict with the relevant provisions of Saved Policy GP5 of the LUDP.

18. I have noted the other appeal decision referred to by the Appellant in relation to this issue. However, I have treated the current case as I must on its own merits.

Living conditions of future occupiers

19. The 3 proposed dwellings would each have space to their front, side and rear which would form part of their gardens. The Appellant has estimated that the

² Openings in the second floor on the elevation facing number 5 would be upward facing roof lights

total area provided would amount to 63% to 88% of the floor space of each dwelling and I have no reason to doubt the accuracy of these figures.

20. However, the spaces to the front of dwellings 1 and 2 would, due to their visibility from the highway, not be sufficiently private to be readily usable for many uses such as sitting out, hanging washing or young children's play. The narrow strips to the sides of all 3 houses, due to their restricted dimensions, would be of only limited use in this context. Whilst the rear gardens of dwellings 1 and 2 would have adequate privacy they would each cover a limited area, equating to about the size of the ground floors alone of these dwellings. Some of the area provided for dwelling 3 would be subject to overlooking from the other two proposed dwellings unless high and potentially oppressive hedging or other screening is provided.
21. Having regard to these points, I consider that the areas which would have sufficient privacy and outlook to perform all the expected functions of a garden for each dwelling would amount to substantially less than the figures provided by the Appellant. They would also fall short of meeting the minimum area of 2/3 of the total gross floor area of each dwelling to be available for *private* gardens (my emphasis) set out in the NLSPG. They would not provide the amount of private space that many potential occupiers of large dwellings such as those proposed would expect. However, as some private space would be provided, the NLSPG provides only indicative guidance and not all potential occupiers would wish to have a large garden, I attribute only limited weight to this shortcoming in the proposal.
22. I conclude that the proposal would result in a limited amount of harm, and a limited degree of conflict with relevant provisions of Saved Policy BD5 of the LUDP in relation to this matter.

Other Considerations

23. The appeal proposal would, by making a net contribution of 2 new dwellings, contribute to the Government's objective of significantly boosting the nation's supply of housing. It would also be consistent with the enhanced role of small scale housing developments envisaged by the Government, and contribute to the housing targets set out in the LCS. However, whilst these benefits would be welcome the contribution of the proposal in these respects would be modest.
24. I have also noted that, unlike the proposal subject to the other current appeal for 2 dwellings, the proposal would achieve the density of 30 dwellings per hectare set out in Policy H3 of the LCS. However, this does not in itself justify allowing development which is harmful.
25. Whilst the site is in a sustainable location, this point is unlikely to distinguish it from many other potential housing sites. I do not consider that the proposal is likely to bring substantial benefits in terms of crime reduction, particularly as adjacent sites would retain open boundaries to the rear.

Conclusion

26. I have found that the proposed development would cause substantial harm to the character and appearance of the site and the surrounding area, moderate harm to the living conditions of occupiers of adjacent dwellings and have limited shortcomings in terms of the gardens to be provided. Due to the

various breaches of development plan policies connected with these issues they collectively carry substantial weight against allowing the appeal.

27. Whilst the proposal would bring some benefits I do not consider that these would outweigh the cumulative harm that I have identified. Due to the environmental harm that I have identified, the development would also not jointly and simultaneously promote the economic, social and environmental dimensions of sustainable development set out in the Framework.

28. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR