
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/16/3160759

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 16/04544/FU, dated 15 July 2016, was refused by notice dated 12 September 2016.
 - The development proposed is Demolition of existing property and erection of 2 no. new dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing property and erection of 2 no. new dwellings at 7 Ouzlewell Green, Lofthouse, Wakefield, West Yorkshire WF3 3QR in accordance with the terms of the application, Ref 16/04544/FU, dated 15 July 2016, subject to the conditions in Annex 1 to this decision.

Procedural Matters

2. I have also dealt with another appeal (Ref: APP/N4720/W/16/3160026) 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; and
 - (b) Whether the proposed development would, having regard to its layout and garden sizes, provide satisfactory living conditions for its future occupiers.

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

Reasons

Policy Context

4. 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

5. 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.
6. 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.
7. The Council's concerns in relation to this issue focus upon the size of the proposed houses and 'overdevelopment' issues. In this context the proposal would represent a notably more intense form of development than the existing single dwelling on the site. The houses would be set in less spacious plots than the immediate neighbours to either side.
8. However, the plot width, side spacing and degree of setback from the highway of the houses would be similar to that of much of the development which exists only a little further south on Ouzlewell Green. Their alignment and orientation would reflect the linear form of development in the area. The side spaces between the houses and each other and between them and the respective boundaries to either side would be sufficient to retain a degree of spaciousness in views of the development from the Ouzlewell Green frontage. Whilst the dwellings may be slightly higher than that being built at number 5, I do not find their proposed height, or the proposed roof pitch, to be excessive.
9. Much of the area to the front of the dwellings would be garden, providing an opportunity for suitable planting in this area. The proposed turning area at the rear of the site would not be prominent in views from Ouzlewell Green. The erection of garages in the location shown need not have an unacceptable effect on views towards the site. The detailed design of the houses would be acceptable.
10. The proposed development would also differ markedly from the scheme for 3 dwellings which is subject to my separate appeal decision in that it would have more generous spacing, avoid disrupting the linear form of the development in the area, and avoid causing any material harm to the visual interface between the built development and adjacent open land to the rear.

11. Having regard to all these points I conclude that the proposal would not cause material harm to the character or appearance of the site or the surrounding area. It would accord with relevant provisions of Saved Policies N24, GP5 and BD5 of the LUDP, Policies H2 and P10 of the LCS, the Framework and the 'Greening the Built Edge' Supplementary Planning Guidance related to this matter.

Living conditions of future occupiers

12. The Council has set out a case that the proposed dwellings would, given their size, have inadequate areas of usable private garden space. However, the dwellings would have a fairly substantial plot depth and width. Although the Council has stated that the total private garden area available would amount to no more than 40% of the gross floor area of the dwellings the basis on which this figure has been calculated is not clear. The recommendation that a private garden equating to at least 2/3 of a dwelling's gross floor area should be provided, set out in the Neighbourhoods for Living Supplementary Planning Guidance (NLSPG), is also only indicative.
13. Whilst much of the private area to the rear of the dwellings would be occupied by the turning area and garages, there would be grassed areas provided around these. Cumulatively these would provide a reasonable amount of space, which would be available for purposes such as sitting out, hanging washing or children's play. Whilst the use of a shared access arrangement would prevent any screening from being provided along the boundary between the rear areas of the two plots, residents would be able to screen off parts of these areas if they wished to improve levels of privacy.
14. For these reasons, I consider that the proposed development would, having regard to its layout and garden sizes, provide satisfactory living conditions for its future occupiers. It would accord with the provisions of Saved Policy BD5 of the LUDP in relation to this matter

Other Considerations

15. I note the concerns which have been raised by the occupier of a neighbouring property concerning car parking. However, the two proposed dwellings would have adequate provision within their garages and drives to enable cars to park off the highway.

Conditions

16. In producing my list of conditions in Annex 1 to my decision I have taken into account the Council's draft list and the Appellant's comments on this. My condition 1 is a standard condition setting the time limit within which development must commence in accordance with the relevant legislation. My condition 2 is an additional condition listing the approved plans which I have included in the interests of certainty. As the plans listed by the Council as forming the basis of its decision do not include elevational details of the proposed garages shown on the submitted site plan I have included wording to clarify the status of these.
17. My condition 3, concerning external facing materials is required in the interests of the character and appearance of the area. My condition 4, requiring a parking and turning area to be provided, is needed in the interests of highway safety. My wording requires further details as those shown on the approved

plans do not include full details of the surfacing of the access. My condition 5, concerning boundary treatment, is required to ensure adequate privacy levels for future occupiers of the proposed and adjacent dwellings and to ensure a satisfactory appearance. My condition 6, requiring a further site investigation and potentially remediation work to be undertaken is needed in the interests of safety. My wording makes it clear, in the light of the comments of the Coal Authority, that the condition is aimed at addressing any problems which may arise from past mining activity.

18. I have omitted condition 3 on the Council's list as the matters set out in it are addressed in my condition 4. I have also omitted condition 4, 7 and 8 on the Council's list, concerning approval of details of the windows and landscaping, as these do not satisfy the test of necessity.

Conclusion

19. I have found that the proposal would not cause material harm to the character or appearance of the site or the surrounding area, and would provide satisfactory living conditions for its future occupiers. The proposal would accord with the development plan, and is consistent with the presumption in favour of sustainable development which is set out in the Framework.
20. For the reasons given above I conclude that the appeal should be allowed.

Jonathan Clarke

INSPECTOR

ANNEX 1

LIST OF 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 approved plans listed in schedule 1. Notwithstanding the details of garage siting shown on drawing number 1414-01(4) any garages shall be erected in accordance with the limitations in Part 1, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any successor legislation unless otherwise agreed in writing beforehand by the local planning authority.
- 3) No building works shall take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 4) No dwelling shall be occupied until spaces for vehicles to be parked and turned so that they may enter and leave the site in forward gear have been laid out and surfaced in accordance with details which have been submitted to and approved in writing beforehand by the local planning authority. Those spaces shall thereafter be kept available at all times for those purposes.
- 5) No dwelling shall be occupied until details of the proposed means of boundary treatment have been submitted to and approved in writing by the local planning authority, and any wall or fence to be provided as part of the approved details has been erected in accordance with those details.
- 6) No development shall take place until an investigation into the nature and extent of any previous mining activity which may affect the site has been carried out and its results made available to the local planning authority. The investigation shall be undertaken using a methodology which has previously been submitted to and approved in writing by the local planning authority. If any land instability issues are identified in the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development takes place.

SCHEDULE 1) – LIST OF APPROVED PLANS REFERRED TO IN CONDITION 2

Plan Type	Reference
Site Location Plan	
Existing Site Plan	1414.05
Proposed Site Plan	1414.01(4)

Plot 1 Plans	1414.06
Plot 1 Elevations	1414.07
Plot 2 Plans	1414.08
Plot 2 Elevations	1414.09
Streetscene Elevations	1414.10