
Appeal Decision

Site visit made on 9 May 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 25th May 2017

Appeal Ref: APP/N4720/W/17/3167129

12 West Parade, West Park, Leeds LS16 5AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Sam Stone against the decision of Leeds City Council.
 - The application Ref 16/07120/OT, dated 14 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is erection of single dwelling and garaging and creation of new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application subject of this appeal was submitted in outline with approval sought for access. Matters of appearance, landscaping, layout and scale were reserved for future consideration. Plans showing a site layout and elevations were provided for indicative purposes. I have dealt with the appeal on the same basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal relates to the side garden of 12 West Parade, a detached house located on a large, corner plot. The surrounding area is generally characterised by a grid pattern of streets containing arts and crafts style houses situated on extensive plots. Bound by low level walls and established, mature planting, the area has an attractive, suburban setting forming as it does a key part of the setting of the neighbouring West Park Conservation Area.
 5. The Far Headingley, Weetwood and West Park Neighbourhood Design Statement 2014 (Design Statement) states at paragraph 4.1 that the area is characterised by large garden plots, and the sense of space they create in the overall landscape, are a distinctive feature of many parts of the area and make an important contribution to its character. There is a presumption against inappropriate development in gardens where this would significantly harm local character.
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6. The appeal site is particularly prominent, given its location on the corner of West Parade and Spen Lane. Such corner plots are an important characteristic of the area. Moreover, the extent to which it is free from development and the level of vegetation it contains positively contributes to the open and spacious character of the area.
7. I note that the development would be relatively low density and would provide adequate garden space for future residents. However, the proposed dwelling would result in a significant incursion of built form on land which is largely free from such presence. Whilst there is no uniform building line on Spen Lane, the indicative plans nevertheless show a dwelling which would be set forward of the adjacent property at 330 Spen Lane. This would increase the prominence of the proposal. Furthermore, the dwelling would be set on a plot which is substantially smaller than surrounding plots. I recognise that there is existing hedging around the boundary, however, it is likely that a dwelling would be apparent above the hedge and through gaps in vegetation. As a result, I find the proposal would appear as an unduly cramped, prominent and incongruous addition to the street scene, in stark contrast to the prevailing character of the area and would harm the setting of the West Park Conservation Area.
8. The appellant draws attention to several corner plots in the area where properties are closer to their boundaries than is the case here. However, such distances across the area notably vary. Thus, a uniform pattern of plot spacing is not a particular characteristic of the area which would necessarily be desirable to replicate. Rather, the key is the varying extent to which these spaces around the properties contribute towards the spacious and verdant character of the area. In this case, the considerable proportions of the appeal site only serve to make an equally considerable, positive contribution towards that character. The extent to which the development would erode that contribution would equally have a considerable, harmful effect on that character.
9. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. As a consequence, it would conflict with Policies H2 and P10 of the Leeds Local Development Framework Core Strategy Development Plan Document 2014 which state that greenfield land should not be developed it makes a valuable contribution to the spatial character of the area and new development should respect and enhance the variety of existing landscapes and spaces. It would also be conflict with saved Policy GP5 of the Leeds Unitary Development Plan Review 2006 which states that development should resolve considerations such as design, as well as the National Planning Policy Framework (the Framework) which seeks to secure high quality design.
10. Finally it would conflict with the guidance set out in the Design Statement and in Supplementary Planning Guidance 13 - Neighbourhoods for Living (2003) which seeks to create development that respects and enhances its local context.

Other Matters

11. I note the proposal would make a small, but nevertheless important contribution towards boosting the supply of housing in a reasonably accessible location. I also note it would have some economic benefits through the construction period and from the spending of future residents. However, such

benefits would be outweighed by the harm to the character and appearance to the area.

12. The appellant has made reference to Planning Policy Guidance 3 and Planning Policy Guidance 7, however, those documents were superseded by the adoption of the Framework and no longer form Government policy. As such I afford them little weight. The proposal would not be located on previously developed land as the appellant suggest. Annex 2 of the Framework excludes land in built-up areas such as private residential gardens from the definition of previously developed land.
13. Reference has been made to a development at 8 Wynmore Crescent. However, I have limited details of that case and cannot therefore be sure they represent comparable circumstances to those before me here. In any case, I have dealt with this appeal on its own merits.
14. I have considered the concerns of local residents including those regarding the effect of the proposal on the living conditions of neighbours, highway safety and loss of trees. However, given my findings in respect of the main issue above, they do not lead me to any different overall conclusion.

Conclusion

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

Jason Whitfield

INSPECTOR