
Appeal Decision

Site visit made on 8 May 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/N4720/W/17/3169310
18 The Lilacs, Guiseley, Leeds, LS20 9ER

- 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 Mrs K Moyes against the decision of Leeds City Council.
 - The application Ref 16/03816/FU, dated 6 June 2016, was refused by notice dated 30 August 2016.
 - The development proposed is proposed 2 bed dwelling with associated car parking.
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Decision

1. The appeal is dismissed.

Procedural matter

2. At the time of my site visit the appeal site had been fenced off by timber close boarded fencing. However, for the avoidance of doubt I have determined the appeal before me on the basis of the plans submitted.
3. I am aware that the Design and Access Statement dated April 2014 refers to a three bedroomed property. However, I am clear that, as described on the application form, the proposal relates to a two bedroomed property.

Planning history

4. The development of a house utilising the same footprint as the appeal before me was dismissed on appeal¹ in March 2014.

Main Issues

5. The main issues are the effect of the proposed development on the living conditions of neighbouring occupiers of nos. 21 and 29 West Parade and the effect of the proposed boundary fencing on the character or appearance of the Guiseley Conservation Area.

Reasons

Living conditions

6. The appeal site is set on a slope between modern housing along The Lilacs and traditional stone terraced properties on West Parade. An area of undeveloped land would remain between the appeal site and the housing on West Parade.

¹ APP/N4720/A/13/2206240

7. I note that it may be possible to reconfigure the layout of the property once built. However, no windows are proposed to serve habitable rooms at the rear or to the side of the property and the 2 m boundary fence would ensure privacy is maintained at ground floor level and would avoid overlooking from the garden. A bathroom window is proposed on the south elevation and a single landing window is proposed on the west. From what I observed on site, there is a clear difference in levels between the appeal site and the neighbouring properties to its south, and the gardens to the west. Nonetheless, I consider that the two small first floor windows would not adversely impact on the privacy of those sitting out or otherwise enjoying the gardens and private amenity space of the houses along West Parade and particularly number 21.
8. I have come to a different conclusion to that of the previous Inspector. This is because the number of windows has been substantially reduced on the west elevation and the boundary fence would act as a screen for the windows serving the ground floor. Consequently, whilst there may be a perception of overlooking from the two first floor windows, in the context of the existing relationships between the older traditional housing this would not be unacceptable. In coming to this conclusion, I am aware of the principles of providing adequate distance between windows and boundaries set out with the *Neighbourhoods for Living: A Guide for Residential Design in Leeds* (2003), *Supplementary Planning Guidance* (SPG). However, in considering this guidance, which is just that, I have taken into account the particular circumstances of the case before me, including the physical relationship between the existing private space and housing.
9. The ridge line of the property, the subject of the appeal before me, would be a metre lower than that proposed in the previous appeal. Nonetheless, notwithstanding the reduction in the height, due to the difference in levels between the properties, and the proximity of the proposed two storey property to the gardens and private amenity space, it together with the 2 m boundary fencing would appear overbearing when viewed from the neighbouring gardens. Indeed, at the time of my site visit the existing fencing appeared highly visible and intrusive.
10. Consequently, whilst I conclude that the appeal proposal would not adversely impact on the living conditions of the neighbouring residents as a result of overlooking, I concur with the conclusions of the previous Inspector, that the dominant impact of the proposed development would be such as to result in overbearing development which would be contrary to Policy P10 of the Leeds Core Strategy 2012, and saved Policy GP5 of the Leeds Unitary Development Plan 2006, and the principles set out within the SPG which are broadly consistent with the Framework that good design should make places better for people.

Conservation Area

11. The appeal site lies within the Guiseley Conservation Area. The wider historic area is characterised by stone buildings which include traditional terraces, civic buildings, shop units and modern detached housing which has been designed in keeping with the wider area. The design of the house does not form part of the Council's reasons for refusal and I find no reason to demur from this position.
12. The quality of the Conservation Area not only derives from the built form, but from the boundary treatments which for the most part result in a relatively

open character. I observed for the most part, that where houses do not immediately front onto the street, the front gardens are delineated with low stone walls or are open to the street. The majority of the properties along West Parade have long mature gardens reflecting their rural historic nature, with comparatively low boundary treatments. Therefore, given the differences in levels between the appeal site and the gardens the incongruous and intrusive nature of the proposed 2 m fencing would be compounded. Moreover, when viewed looking from the street, up the hill, the side fencing would appear suburban in nature and would not preserve or enhance the character or appearance of the Conservation Area. Taken together, I conclude the proposed boundary treatment would have an adverse impact on the character or appearance of the Conservation Area as a whole, which would result in less than substantial harm.

13. In coming to this conclusion, I am aware that there are examples of wooden fencing close to the appeal site and that the appeal proposal would include a low wall at the front. Nonetheless, I must pay special attention to the desirability of preserving the character or enhancing the character or appearance of the Conservation Area. Therefore, as I have found that there is less than substantial harm I must consider if there are any public benefits of the development which would outweigh the harm. The development of a house would be a benefit to which I accord moderate benefit, and I accord limited weight to the benefit of tidying up an area of land which appears unkempt.
14. However, this would not outweigh the harm I have identified above. Therefore, I conclude that the boundary treatment would not protect and enhance the historic asset, nor reflect the scale and form of adjacent development as such it would be contrary to Policies P10 and P11 of the CS, and saved Policies GP5, LD1 and NI9 of the UDP.

Conclusion

15. For the reasons set out above the appeal should be dismissed.

L. Nurser

INSPECTOR