

Appeal Decision

Site visit made on 5 June 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/N4720/W/17/3172301
115 Valley Road, Pudsey LS28 9DU

- 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 Humberstone Homes Ltd against the decision of Leeds City Council.
 - The application Ref 16/06227/FU, dated 1 October 2016, was refused by notice dated 24 January 2017.
 - The development proposed is four terraced houses and two pairs of semi-detached houses (eight houses in total).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In order to address the concerns regarding the proposed access to the site, at appeal stage two draft revised plans were submitted. These provided a different layout and access, and a different design to the houses on plot 7 and 8. I am normally required to deal with an appeal on the basis of the same plans that informed the Council's decision. Nonetheless, and irrespective of the merits or otherwise of a reduced scheme, I have considered whether it would be appropriate to take the revised drawings into account in this case. I have concluded that it would not. Firstly because to do so would result in a substantially different scheme to the one originally applied for, which the Planning Practice Guidance advises should be avoided. Furthermore, to do so would potentially run contrary to the Wheatcroft principles. The key test in this regard, is whether dealing with the proposal in that way would so change the development that to grant permission on that basis would deprive those who should have been consulted on the changed development, the opportunity to make representations. As I cannot be assured that all those who should be consulted would not be prejudiced by a revised scheme I cannot proceed on that basis.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
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- The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
- The effect of the proposal on the character and appearance of the area;
- Whether the proposed development would provide adequate living conditions for the future occupiers with particular regard to outdoor space;
- The effect of the proposal on highway safety; and
- If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. Paragraphs 89 and 90 of the Framework set out the forms of development that are not inappropriate within the Green Belt. Paragraph 89 establishes that other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
5. Policy N33 of the *Leeds Unitary Development Plan (Review 2006) (adopted July 2006)* (UDP) seeks to control development in the Green Belt, and sets a number of forms of development that are not considered inappropriate in the Green Belt. These are not fully consistent with those in the Framework, which the policy predates. For example it only allows the limited extension, alteration or replacement of existing dwellings rather than buildings. In such circumstances, paragraph 215 of the Framework indicates that policies in existing plans should be given less weight.
6. The proposed dwellings would be built on land that is currently occupied by stable buildings, but as the development would be for a different use than the existing buildings, it cannot be considered under the fourth bullet point of paragraph 89. Nor has it been argued that the proposal could be considered under any other exception listed in either paragraph 89 or 90.
7. On this basis, I conclude that the proposed development would constitute inappropriate development within the Green Belt. According to paragraph 87 of the Framework this is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances.

Openness and purposes of Green Belt

8. Openness is an essential characteristic of Green Belts. It can be considered as the absence of buildings or development. At present the site is occupied by two single storey stable blocks and a small storage building. The proposal would replace this with eight 2 and 3 storey dwellings with accommodation in the roof space. Although I have not been provided with any figures, the appellant has accepted that the footprint and volume of the proposed houses would be greater than the existing buildings on the site. Given the limited size and height of the existing buildings, I would anticipate the increase in footprint and particularly volume would be considerable. Consequently the openness of the Green Belt would be reduced.

9. Whilst the proposed dwellings would be adjacent to, and opposite, other residential properties, this does not mean that the proposal would not affect the openness.
10. The purposes of including land in the Green Belt are set out in paragraph 80 of the Framework. The site forms part of a large area of open land that extends along the valley. This area has a distinctly rural character that differs from the adjacent built up area of Pudsey, and the stables on the site, as typical of buildings found in rural areas, contribute to this. The development of 8 houses would significantly alter the character of the site and would represent the encroachment of the built form into this area of countryside. As such, the proposal would be contrary to the purpose of including land in the Green Belt.

Character and Appearance

11. The residential area to the north and west of the site contains houses that vary in age and design. However, the properties are generally modest two storey houses that are either semi-detached or in short terraces, and which face onto the street. Whilst the appeal scheme also proposes semi-detached houses and a short terrace, the houses on plot 7 and 8, which would visually be very prominent when travelling along Valley Road in either direction, would be perpendicular to the road rather than facing it. As such, they would not respect the pattern of development found in the area of housing fronting the road.
12. Moreover, the houses would be either 2 or 3 storey properties with accommodation in the roof space. As such the scale and appearance of the houses, with prominent dormer windows, would be out of keeping with the modest size, and simple architectural design of houses in the area. As such they would appear as a discordant and incongruous feature, to the detriment of the character and appearance of the area.
13. In addition, as outlined above, as the scale and mass of the dwellings would be considerably greater than the existing buildings on the site, the proposal would have an adverse impact on the open and rural character of the site, which contributes to the rural setting of Pudsey.
14. As a result the proposal would have an unacceptable impact on the character and appearance of the area. Therefore it would conflict with Policy P10 of the *Leeds Core Strategy (adopted November 2014)* (LCS) which, amongst other things, requires developments to have a high quality of design that respects the character of the area. It would also be contrary to Policy GP5 of the UDP which requires that proposals should resolve detailed design considerations.

Living Conditions

15. The rear gardens for plots 1 – 6 would consist of steeply sloping land that drops approximately 3m from the rear of the houses to the end of the garden. Thus, whilst the amount of private space provided for each house is a reasonable size, the steeply sloping nature of the land would restrict the useable amount of space that would be available for future occupiers of the house. As such it would not accord with the guidance set out in the *"Neighbourhoods for Living" Residential Design Guide (December 2003)*. In addition, the rear garden for plot 7 is of a very limited size, and in my view, would not be adequate for a 3 bedroomed dwelling.

16. Consequently, I consider that the proposed development would not provide acceptable living conditions for future residents with particular regard to private outdoor space. It would therefore conflict with Policy P10 of the LCS and Policy GP5 of the UDP which require proposals to have a high quality of design and to resolve detailed design considerations.

Highway Safety

17. The proposed houses would be served by an internal estate road accessed from Valley Road. Highways have raised concerns regarding the design of the internal road as they consider that the sharp bend in the road would not be able to be negotiated by service vehicles. In addition, they note that it has not been demonstrated that adequate visibility splays can be provided at the junction with Valley Road.
18. In the light of this, and in the absence of any evidence to the contrary from the appellant, I am not satisfied that the proposal would be provided with a safe and suitable access. Therefore, I consider the scheme would be detrimental to highway safety, and would be contrary to Policies T2 and P10 of the LCS which require that development does not create, or materially add to, problems of safety, environment or efficiency on the highway network, and is accessible to all users.

Other Considerations

19. In terms of other considerations that the appellant considers would justify the proposal, it is argued that the appeal scheme would not conflict with the purposes of including land within the Green Belt, and would not have an unacceptable impact on openness. However, as indicated above, I conclude that the proposal would result in harm to the openness of the Green Belt, and would result in encroachment into the countryside, contrary to the purposes of including land within the Green Belt.

Conclusion

20. To conclude, the appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt. It would also result in a reduction in the openness of the Green Belt, and would be contrary to the purpose of including land within the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt. In addition, the proposal would harm the character and appearance of the area, would not provide adequate living conditions for future occupiers, and would be detrimental to highway safety.
21. There are no other considerations to outweigh the harm that the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policy N33 of the UDP.
22. Therefore, for the reasons set out above, I consider the appeal should be dismissed.

Alison Partington

INSPECTOR