

Appeal Decision

Site visit made on 4 July 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/N4720/W/17/3174170

former Martha's Ale House, Well Lane, Guiseley, Yorkshire LS20 9BA

- 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 John Copsey against the decision of Leeds City Council.
 - The application Ref 16/07391/FU, dated 21 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is change of use of basement store to a single bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - The character and appearance of the Guiseley Town Gate Conservation Area; and
 - The living conditions of future occupiers of the proposed flat, with particular reference to outlook and daylight.

Reasons

Character and Appearance

3. The appeal property, formerly known as Martha's Ale House, and since converted into residential flats, is located on a prominent corner within the Guiseley Town Gate Conservation Area. The area around the appeal site, and particularly the terraced streets to the west and northwest of the site feature distinctive stone boundary walls, often with curved-topped coping stones, dividing front yards and gardens, and I concur with the Council's view that these features make an important contribution to the character and appearance of the Conservation Area.
4. Although the boundary wall around the western perimeter of the appeal site does not share the same curved coping stones or sloping transitions between sections of varying height evident on nearby walls, the stone wall is nonetheless consistent with the general character and appearance of the surrounding area. Moreover, it also fulfils an important retaining function as the limited amount of space around the basement of the appeal property is at a much lower level than Cambridge Street to the site, and the car park to the rear.

5. The proposal seeks to reduce the height of the wall in order to open up the outlook from, and available light to, the proposed basement flat. The existing wall, which is presently stepped to provide four different heights to reflect the general rise in levels along Cambridge Street to the north, would be reduced in height to no more than a low dwarf wall (0.6 metres in height), with a shorter, higher section roughly double the height of the lower section. The drawings suggest that these would be the heights within the appeal site's yard area. However, due to the difference in ground levels between the site and Cambridge Street, the result would be a wall of such reduced height that it would be jarringly at odds with the prevailing form, character and appearance of the distinctive boundary walls in the surrounding area.
6. For these reasons, I conclude that the proposal would fail to preserve or enhance the character of the Conservation Area, thereby causing harm to the significance of the Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In considering the impact of a proposal upon the significance of a heritage asset, in this instance, the Conservation Area, The National Planning Policy Framework (the Framework) states¹ that great weight should be given to the heritage asset's conservation. It goes on to identify that harm may be substantial harm or total loss, or less than substantial harm. However, any harm or loss should require clear and convincing justification. Where a proposal will lead to less than substantial harm to the significance of the asset, the harm should be weighed against the public benefits of the proposal².
7. I concur with the Council's assessment that the harm caused to the Conservation Area would be less than substantial. I acknowledge that the proposal to convert the basement area would entail little in the way of physical alterations to the exterior of the building itself and also note the appellant's previous work in converting the upper floors of the building. The proposal would provide an additional smaller dwelling unit that would contribute towards boosting housing supply and, whilst I have not been advised of the Council's current housing supply position, an additional unit would nonetheless weigh modestly in favour of the proposal. However, I do not consider that these factors outweigh the harm that I have identified above. Thus, the proposal would be contrary to Leeds Local Development Framework: Core Strategy (CS) policies P10(i), (ii) and (iii), P11 and P12 which together seek to conserve and enhance the character and quality of Leeds' townscapes, historic assets and general visual amenity.

Living Conditions

8. The proposed basement flat would provide living accommodation across three rooms utilising the existing basement layout. Of those rooms, two (bedroom and bathroom) would incorporate a single larger window and the other, the main kitchen / living area, two smaller windows and the front door. None of the windows, however, are particularly large. Moreover, all are set at or just below external ground levels within shallow lightwells.

¹ Paragraph 132

² Paragraph 134

9. In other circumstances that might not be critical. However, the boundaries and boundary walls are drawn tightly around the appeal building. Although there is space around the perimeter of the building, it is limited and is heavily enclosed by the substantial retaining walls that are located very close to the building's north and west facing elevations. I accept that the north facing window, which would serve the proposed bathroom, would not be dependent upon outlook by virtue of its intended function. However, this north facing window would be the closest to the retaining walls, and at probably the highest point of the northern wall, meaning that light received by it would be limited.
10. Similarly, the west facing window serving the bedroom is also close to one of the higher sections of the western boundary retaining wall. Some sunlight might be received, but the height of the wall directly opposing the window at close range would create an oppressive outlook from this room and severely restrict daylight and sunlight for a significant proportion of the day. The main living area would benefit from two windows, again set just at or below yard level, but at a point where the yard area is slightly wider. However, this room would be much deeper than the other two rooms and, whilst there would be a greater distance between the windows and the boundary wall, the two smaller windows would contribute to a gloomy and oppressive outlook.
11. Whilst I have noted the appellant's assurances that quality of work would match that of the upper floor conversions at the appeal property, this would not alter my conclusion that the proposal would fail to provide adequate living conditions in terms of outlook, sunlight and daylight. As such, the proposal would be contrary to CS policy P10(iii) and UDPR saved policy GP5 which together seek to avoid problems of loss of amenity and to ensure that developments protect and enhance residential amenity through, amongst other things, satisfactory penetration of daylight and sunlight. The proposal would also be contrary to one of the Framework's core planning principles of always seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

12. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR