
Appeal Decision

Site visit made on 26 June 2017

by Katie McDonald MSc MRTPI

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

Decision date: 21 July 2017

Appeal Ref: APP/N4720/W/17/3172911

Garage lock up land adjacent to 4 Half Mile Green, Stanningley, Pudsey LS28 6HR

- 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 G Lawson against the decision of Leeds City Council.
 - The application Ref 16/05091/FU, dated 12 August 2016, was refused by notice dated 2 December 2016.
 - The development proposed is demolition of 21 lock-up garages with them to be replaced with four semi detached, two storey, 3 bedroom homes with off street parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that the appellant's description of development refers to 'starter' homes, however, there is no evidence before me to indicate that they would be anything other than market dwellings and as such I have removed this reference within my banner heading.

Main Issues

3. I consider the main issues to be the effect of the proposal upon;
 - i) the character and appearance of the area; and
 - ii) the living conditions of nearby and future occupiers of the proposed houses, with particular reference to privacy and overlooking.

Reasons

Character and appearance

4. Situated on a dilapidated garage colony, the appeal site fronts onto Half Mile Green, a suburban road within Stanningley. The area is residential in character and features two storey terraced housing to the east, west and south east, with some relatively modern two storey dwellings to the south west. Parking is reliant upon on-street for the older housing, with side driveway parking for the majority of the newer dwellings. Properties have modest front gardens, defined by timber fencing or hedges.
5. The appeal proposal seeks demolition of the garages and the erection of 4 two storey semi-detached dwellings. Two car parking spaces for each dwelling are

provided off-street to the front. The dwellings are set back off the road to accommodate the parking spaces, resulting in a staggered build line with existing dwellings on Half Mile Green. The design of the dwellings themselves would be in keeping with the character and appearance of the area and the Local Planning Authority (LPA) has raised no issues in this regard.

6. The siting of the dwellings, whilst accommodating off street car parking, does result in hard surfacing to the frontage of the dwellings. I find that the design of the scheme revolves around the desire to provide off-street car parking, yet this is not designed in a positive nor integral manner. The car parking would dominate the street scene and erode the character of the area, particularly given that there is an absence of any landscaping. It would appear entirely at odds with the surrounding street scene and would not positively contribute to place making.
7. Furthermore, front gardens are a common feature within the street scene, they soften the built form and define boundaries in a positive manner which adds to the character of the area. The proposal would lack front gardens and boundary treatments. The consequence of this would be a solid built form of hardstanding to the front, which would be a strident and detrimentally incongruous feature that would fail to respect the character and quality of surrounding buildings and streets.
8. Consequently, the proposal would fail to comply with Policy P10 of the Core Strategy, Leeds Local Development Framework (November 2014) (CS) which seeks to deliver high quality inclusive design that has evolved through a thorough analysis and understanding of an area; Saved Policy N25 of the Leeds Unitary Development Plan, Volume 1: Written Statement (July 2006) (DP) which requires that boundaries are designed in an positive manner using material appropriate to the character of the area; Neighbourhoods for Living Supplementary Planning Guidance (December 2003) (SPG) and SPG Memorandum (January 2015) that provides guidance for all types of residential proposals, and seeks, amongst other things, to avoid car parking and vehicular dominated street fronts; and the National Planning Policy Framework (the Framework), of which a core planning principle is to always secure high quality design.

Living conditions

9. Due to the desire to accommodate car parking off-street, the dwellings would be set back off the road, and sited further into the site than adjacent houses. Consequently, this would result in smaller rear gardens and a closer relationship with the dwellings on Half Mile Gardens. These dwellings are semi-detached bungalows, which back onto the site. Two of the dwellings have rear dormer bedroom windows.
10. The depth of all the proposed gardens would be less than the recommended minimum set out in the SPG. This, combined with the fact that the depth of the gardens for properties in Half Mile Gardens is fairly shallow, would mean that the recommended 21m minimum separation distance would not be achieved. Therefore, the relationship between the dwellings would be close, to the extent that there would be a sense of overlooking and loss of privacy between first floor windows and gardens. This would be harmful to living conditions of both existing and prospective residents, particularly the two dormer bungalows on Half Mile Gardens.

11. Therefore, I find conflict with Policies GP5 and BD5 of the DP, which seek to avoid loss of amenity, requiring that all new buildings should be designed with consideration given to both their own amenity and that of their surroundings; and the SPG that provides guidance for all types of residential proposals, and seeks, amongst other things, that rear gardens are of sufficient size to ensure acceptable living conditions are provided.

Other matters

12. It is acknowledged by the LPA that they are currently unable to demonstrate a five year housing land supply. As such, the Framework is a relevant material consideration. This is because the relevant development plan policies for the supply of housing would be considered out of date in accordance with paragraph 49, and a presumption in favour of sustainable development, applying the titled balance of boosting housing supply carries substantial weight.
13. The dwellings would contribute towards the delivery of housing in the area. However, I note the LPA have detailed that the site already has planning permission for 3 dwellings (LPA ref. 16/01512/FU), and this development would essentially provide one additional dwelling. Further, I also note that the permission for the 3 dwellings would provide off-street car parking to the sides of the dwellings with gardens to the front.
14. Given the development's failure to comply with the CS and DP, and its resultant adverse impact upon the character and appearance of the area and upon living conditions carries significant weight. Consequently, I find that this demonstrably outweighs the very limited contribution that one additional dwelling could provide to the overall housing shortfall in the area.
15. I note the letters of support and that the site would be brownfield development, which the Framework strongly encourages. However, the adverse impact that would result from this proposal outweighs the positive benefits of providing dwellings on previously developed land and removing the 'unsightly' garages.
16. I have also noted the appellant's statement which details that it is only feasible to develop four dwellings on the site. However, I have no evidence before me with regards to the viability of this scheme or the previously approved scheme and I have given this matter limited weight.

Conclusion

17. Having had regard to all other matters raised, and for the reasons above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR