
Appeal Decision

Site visit made on 1 August 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 7th August 2017

Appeal Ref: APP/N4720/W/17/3171517

8 Waterwood View, Tingley, Wakefield WF3 1FL

- 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 Michael Guymer, Guymer Developments Ltd against the decision of Leeds City Council.
 - The application Ref 16/07940/FU, dated 20 December 2016, was refused by notice dated 15 February 2017.
 - The development proposed was originally described as "change of house type for plot 8 Waterwood View, Tingley Approval 12/02974/RM. Re application 16/05697/FUL."
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Decision

1. The appeal is allowed and planning permission is granted for amendment to previous approval 12/02974/RM for substitution of house type to plot 8 at 8 Waterwood View, Tingley, Wakefield WF3 1FL in accordance with the terms of the application, Ref 16/07940/FU, dated 20 December 2016, subject to the conditions in the attached schedule.

Preliminary Matter

2. The description in the header above is taken from the original application form. However, in my decision I have used the description from the Council's decision notice as this removes superfluous wording that is not related to development.
3. The appellant has submitted a revised plan with the appeal which was not considered by the Council. The revision relates only to the position of an interior door. The Council has not commented on this, but the change does not have a significant effect on the nature of the development and there would not be any injustice to interested parties by my acceptance of the plan. As such, I have considered the appeal on the basis of the revised plan.

Main Issues

4. The main issues in this appeal are the effect of the development on:
 - The living conditions of future occupants, with particular regard to outlook and the provision of private amenity space; and
 - The character and appearance of the area.

Reasons

Living Conditions

5. The appeal relates to the last remaining plot in a small residential estate of recently built, or under construction, dwellings. The site is bordered on two sides by open countryside, designated as Green Belt, and new dwellings on the other two sides.
6. Permission already exists for a dwelling on the plot. Nonetheless, there are differences in the size and nature of the footprint of the development, as well as its siting within the plot. The appellant has suggested that the outdoor to indoor space ratio would be around 65%. This is very close to that recommended by the Council's 'Neighbourhoods for Living' Supplementary Planning Guidance document (NLSPG)(2003). The Council has disputed this and suggests that the figure is around 50%. Neither party has provided a detailed analysis of their figures to substantiate their conclusions. However, I do not consider this to be necessarily decisive in this case.
7. It is not clear to what extent the previous permission met the NLSPG figure. Nevertheless, from the evidence I have before me, there does not appear to be a significant difference in space provision between the two proposals. There is also nothing to suggest that the development before me would lead to an overtly different, or more harmful, living environment for future occupants than that which has already been permitted.
8. The Council has not disputed the appellant's assertion that private amenity space for the other dwellings on the estate ranges between 54%-64% of indoor space. These would all fall outside the NLSPG guidelines, which would suggest divergence from these figures is acceptable in some circumstances. The amount of garden space provided would not appear significantly different to that of the other dwellings on the estate. The space would be more than adequate for sitting out, drying washing and outdoor storage if necessary. I have seen nothing to suggest that the size or configuration of space provided would lead to any obvious harm to the living conditions of future residents. Even if there is a quantitative shortfall in relation to the figures expressed in the NLSPG, these are quoted as being a general guide only. Taking the local context and history of the site into account, I do not consider the garden space provided would result in any breach of development plan policy.
9. Turning to the issue of outlook, I note that the pre-amble to the standards set out in the NLSPG states that it would be inappropriate to simply apply the distances quoted without further consideration, especially of local character. This seems an appropriate approach for this site and location, where the outlook to the east and south would be over open fields. Notwithstanding any soft landscaping that currently exists or might be created, it is unlikely that the outlook from this property would result in an unacceptable sense of enclosure or confinement within habitable rooms or the garden area.
10. In addition, there are other dwellings on the estate which exhibit a similar, or smaller, degree of separation between rear walls and their boundaries as the proposal before me. Again, in these cases there is the mitigation of views across fields and the reservoir, which create an open and expansive outlook. Taking all of these factors into account, I find nothing to suggest that the level

of separation between the building and the boundary would inevitably result in any material harm to the living conditions of future occupants.

11. Even if there are some relatively minor deficiencies in space provision and distances between windows and boundaries, in the context of this development it is unlikely that these factors would lead to an unacceptable impact on living conditions either in terms of outlook or private amenity space. In coming to this conclusion, I have had regard to the Council's comments on the provision of additional boundary landscaping. Nevertheless, but this does not alter my view as to the acceptability of the proposal, particularly when the nature of the remainder of the development and the character of the area beyond the site are taken into account. As such, I find no conflict with Leeds Core Strategy (CS)(2012) Policy P10, Leeds Unitary Development Plan (UDP)(2006) policies GP5 and BD5 or the NLSPG which seek, amongst other things, to ensure development is designed to give consideration to, and safeguard, amenity.

Character and Appearance

12. The dwelling would not appear unduly large in comparison to its neighbours and there would be sufficient space around the dwelling to ensure that it would sit comfortably within its plot. There would also be a similar degree of separation from its neighbours as other dwellings on the estate. The design and materials would complement the existing character of the street and would not appear incongruous when viewed from Waterwood View itself or from vantage points outside the site.
13. Moreover, the differences in footprint and siting between permitted and proposed schemes would not result in something so obviously more intensive that it would have an unacceptable impact on local character. I have already concluded that the amount of private amenity space provided and the space around the dwelling would not result in any harm to living conditions. Similarly I find that the resulting form of development would not appear unduly cramped or intensive.
14. When viewed from the public footpath which runs alongside the reservoir, the existing dwellings of the estate, and those which continue along Westerton Road beyond the edge of the site, create a clear, distinctive and relatively hard edge to the Green Belt. A hedgerow runs along the southern boundary of the other dwellings which would continue along the boundary of the development. There is also a hedge along the eastern boundary of the site which is more sporadic in nature, but nonetheless reflects the existing boundary treatment to the south. As such, the boundary treatment of the development would broadly match what it would be reasonable to assume has been considered acceptable on the remainder of the site.
15. The Council state that additional landscaping is necessary in light of UDP Policy ND24 and the 'Greening the Built Edge' Supplementary Planning Guidance (GBESPG). However, they have not made it clear why this development requires additional landscaping over and above what has been permitted on the remainder of the site. It is also not clear whether the agreed landscaping scheme from the original permission required any additional measures in relation to this plot, other than retaining what already exists. In any event, as permission has already been granted for housing here then a suitable solution to the boundary treatment must have been identified. There appears therefore

to be no reason why a similarly suitable and appropriate solution could not be found here. This is something that can be adequately addressed by condition.

16. Taking the above matters into account, I find that the development would not have an unacceptable impact on the character and appearance of the area. Accordingly, there would be no conflict with CS Policy P10, UDP policies GP5, BD5 and N24 or the GBESPG which seek, amongst other things, to ensure development is appropriate to its context and assimilates into the landscape.

Conditions

17. I have considered the suggested conditions from the Council and the appellant's comments on these in accordance with the tests outlined in Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
18. I have imposed a condition requiring the agreement of materials for the walls, roofing and parking/turning areas in the interests of the character and appearance of the area. I have combined the two conditions suggested by the Council to avoid unnecessary repetition. This is by necessity a pre-commencement condition to ensure the development is carried out in accordance with the approved details.
19. For similar reasons, I have imposed conditions requiring details of landscaping to be agreed. This would include details of the retention of the hedges around the boundary and any other landscaping proposed. Whilst I have noted the appellant's comments that such conditions are not necessary at this stage in the estate's development, this is nonetheless a new permission and is in a sensitive location on the edge of the Green Belt. I have not imposed the Council's suggested conditions on these issues as I consider them to be unduly onerous in this case. Instead, I have applied model Planning Inspectorate landscape conditions which would achieve the same ends.
20. Conditions requiring the parking and turning areas to be implemented prior to occupation are necessary in the interests of highway and pedestrian safety and the living conditions of nearby residents. The PPG states that conditions restricting permitted development rights should only be used in exceptional circumstances. Having observed the nature of the road network in the proximity of the site, I consider a condition requiring the garage to remain in that use is necessary in the interests of the living conditions of local residents and to ensure the efficient operation of the local highway network. I have made minor amendments to the wording of these conditions in the interests of clarity and precision.
21. I have not however imposed the suggested condition removing other permitted development rights as the Council has not provided sufficient justification to demonstrate this would be necessary in this case.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Maple-LC1, Maple8-BL1, Maple DS/10 dated 13/03/2017 other than as required by conditions 3 and 5.
- 3) No building work shall take place until details and samples of all external walling, roofing and all surfacing materials to be used in the parking and turning areas have been submitted to and approved in writing by the local planning authority. Such materials shall be made available on site prior to commencement of their use for the inspection of the local planning authority who shall be notified in writing of their availability. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until that part of the site shown to be used for the parking and turning of vehicles on the approved plans has been laid out, drained, surfaced and sealed as approved. That area shall not thereafter be used for any purpose other than for the parking or turning of vehicles.
- 5) The development hereby permitted shall not be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any provision in any statutory instrument revoking that Order, the garages hereby permitted shall be kept available and used solely for garages for the parking of motor vehicles for the benefit of the occupants of the dwelling for the lifetime of the development.