
Appeal Decision

Site visit made on 16 January 2018

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 6 February 2018

Appeal Ref: APP/N4720/W/17/3179002

Glad Rich, Bradford Road, Tingley, Leeds, WF3 1QN

- 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 Veronica Brewis against the decision of Leeds City Council.
 - The application Ref 16/07584/FU, dated 21 November 2016, was refused by notice dated 20 February 2017.
 - The development proposed is demolition of existing bungalow and erection of 5 no. detached houses.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Whilst I note the concerns raised by the appellant regarding the manner in which the Council handled the planning application subject of this appeal, they do not alter the planning merits of the proposed development upon which my decision must be based.

Main Issues

3. I consider that the main issues in this case are the effect of the proposal on: the living conditions of neighbouring residents, with particular reference to outlook, light and privacy as well as noise and disturbance; the safety and convenience of highway users; and, the character of the locality.

Reasons

Living conditions

4. Glad Rich is a bungalow, which forms part of a row of residential properties that front onto the northeastern side of Bradford Road. The section of the appeal site occupied by the bungalow and the adjacent section of its back garden is relatively narrow and is comparable in width to the plots of adjacent Bradford Road dwellings. The rear section of the back garden of Glad Rich is much wider, extending across the rear boundaries of 4 of the neighbouring Bradford Road properties: Cromer; Denefield; Hillcroft; and, Lyndhurst. That section of the appeal site adjoins the back gardens of a number of other neighbouring dwellings, including: Maplehurst to the northwest; No. 50 Thorpe Lane and No. 4 the Chase to the north; No. 9 Springwell Court to the northeast and Wyngarth to the southeast.
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5. The proposal involves the demolition of Glad Rich and the formation of an accessway from Bradford Road to the rear section of the appeal site where 5 new detached houses, units 1-5, would be constructed.
6. The northern sidewall of unit 2 would be positioned close to a section of the appeal site boundary shared with the small back garden of No. 4 the Chase, which is enclosed by a hedgerow with a number of trees. The rear elevation of that neighbouring property appears to contain a number of main aspect windows at ground floor level. I consider that, due to the limited distance between the facing elevations of unit 2 and No. 4, the proposed dwelling would significantly reduce the outlook enjoyed by residents of No. 4 from the back of their property. I regard it as overdominant and unneighbourly. The Council has estimated that the distance would fall short of the minimum distance guideline of 12 metres between a ground floor main aspect window and a neighbouring sidewall, which is set out in the Council's adopted *Supplementary Planning Guidance-neighbourhoods for living, 2003* (SPG). This adds further weight to my finding. Due to the close proximity of unit 2 to the south of No. 4, it would also be likely to materially reduce the sunlight received by that neighbouring property.
7. The rear elevations of proposed units 2-5 would face directly towards the back garden of Wyngarth, which is currently enclosed by a low fence along the boundary shared with the appeal site. I acknowledge that it would be possible to limit the potential for overlooking of that neighbouring garden from the ground floor rear windows of units 2-5 by ensuring, through the imposition of a condition, the provision of a taller boundary fence. Furthermore, the distances between the rear elevations of those proposed houses and the boundary shared with Wyngarth would be likely to exceed the minimum guide distances set out in the SPG. Nonetheless, in my judgement, that would not be sufficient in this case to satisfactorily limit the potential for overlooking of that neighbouring garden from the proposed first floor rear windows. Only a small number of existing neighbouring windows provide vantage points from which the back garden of Wyngarth can be overlooked over relatively short distances. In my view, the proposal would greatly increase the potential for overlooking of Wyngarth's back garden from neighbouring dwellings. It would be contrary to the SPG insofar as it indicates that care needs to be taken to ensure that all private areas, including gardens, are not excessively overlooked from adjoining properties.
8. Proposed unit 1 would share its rear boundary with No. 50 Thorpe Lane. This neighbouring property, which is a bungalow, has a small rear garden. Under these circumstances, I consider that the separation distance between the rear elevation of unit 1 and its rear boundary, which appears to fall short of the SPG's minimum guide distance of 10.5 metres between main ground floor windows and a boundary, would be insufficient to prevent the proposed dwelling from materially reducing the outlook from No. 50.
9. The southern side elevation of unit 5 would be located close to the rear boundaries of Denefield and Hillcroft. However, those neighbouring properties have long back gardens, with reasonably open views above side boundary treatments. Under these circumstances, I consider that unit 5 would be unlikely to reduce the outlook from those neighbouring properties to an unacceptable degree. Maplehurst has an even longer back garden and so the close proximity of unit 1 to its southeastern boundary towards the end of that garden would

not reduce the outlook from that neighbouring property to an unacceptable extent.

10. Notwithstanding that the appeal site is located within an existing residential area, from where some jobs shops and services are likely to be reasonably accessible by public transport, I consider that the replacement of the existing bungalow with 5 no. 4 bedroom houses would be likely to result in a significant increase in the vehicular comings and goings associated with the site.
11. The section of the appeal site between the side boundaries of the rear gardens of Malpehurst and Cromer, which is relatively narrow, would contain a section of the proposed access road and a turning area. Parking and turning areas in front of the proposed houses would also be close to the rear boundary of Cromer. In my judgement, the vehicular comings and goings likely to be associated with the proposed houses would noticeably increase the levels of noise and disturbance experienced by residents of Cromer when using their rear garden. Given that Cromer fronts onto a busy road, I consider that the back garden of that property is likely to be of particular value to its residents as an outside space providing a reasonable degree of peaceful enjoyment. In my judgement, the value of the rear garden in that respect would be significantly eroded by the proposal.
12. I conclude overall, that the proposed scheme would cause substantial harm to the living conditions of the residents of neighbouring dwellings, with particular reference to outlook, light and privacy as well as noise and disturbance. In this respect the appeal scheme would conflict with Policy P10 of the *Leeds City Council Core Strategy, 2014* (CS) and Policy GP5 of the *Leeds Unitary Development Plan (Review 2006)* (UDP), which is consistent with the aim of the *National Planning Policy Framework* (the Framework) to secure a good standard of amenity for all existing and future occupants of land and buildings.

Safety and convenience of highway users

13. The appellant has confirmed that she has lived at Glad Rich for a number of years and during that time no accidents have been caused by vehicles entering or leaving the bungalow's driveway. However, as I have already indicated, the proposal would be likely to result in a significant increase in vehicles entering and leaving the site, potentially increasing the risk of associated accidents.
14. In front of the appeal site the nearside, southeast bound section of Bradford Road comprises 3 lanes. The outside lane serves as a filter lane for southeast bound traffic to turn right into a side road opposite the appeal site and the inside lane tapers down a short distance to the southeast of the site, with only the central lane continuing on. Therefore, a significant proportion of the traffic approaching and passing the site is likely to be in the process of merging from the inside to the central lane or manoeuvring into the right turn filter lane. Use of the appeal site entrance adds to the potential for conflicting vehicle movements at this location.
15. Of particular concern would be the likely increased frequency of drivers emerging from the site and crossing the nearside carriageway to turn right, in a northwesterly direction. During the site visit I saw a vehicle leave one of the properties neighbouring Glad Rich and pull across the road, pausing at right angles to the filter lane and partially obstructing the central lane. Practices such as this are likely to interrupt the free flow of southeast bound

traffic and/or necessitate evasive manoeuvres. The likely increase in the frequency of vehicles emerging from the site to turn right would significantly increase the risk of accidents.

16. I saw on site that based on an 'X' distance of 2.4 metres, the driver sight line to the right of the site access would run along the footway and would not be obstructed by neighbouring gardens. However, visibility is likely to be limited by the horizontal and vertical alignment of Bradford Road to the northwest of the site. Based on the evidence presented, I am not convinced that the visibility splay of 2.4 metres by 120 metres required by the Council's *Supplementary Planning Document-The Street Design Guide, Main Draft Report 2009* (SPD), would be available to drivers emerging from the site. Whilst given the draft status of the SPD before me, this conflict would not be sufficient on its own to justify withholding planning permission in this case, it adds limited further weight to the concern identified above.
17. I consider that through the imposition of a suitable condition, it would be possible to ensure that the proposed site access road is sufficiently wide to accommodate 2-way traffic. A fire tender would also be able to get within 45 metres of all front doors. Whilst it would have to reverse to or from the site, necessitating safety precautions, I consider that this would be acceptable, given the likely rarity of such events. Furthermore, communal bin storage facilities close to the site entrance could be required by condition, thereby negating the need for a refuse vehicle to enter the site. In addition, while the arrangements shown on the application plans appear to fall short of the SPD parking space requirements, in my view, it is likely that adequate facilities could be secured by condition. I consider that in relation to these matters, the proposal would not conflict with the aims of the SPD or CS Policies T2 and T24.
18. However, I conclude overall, that the proposed scheme would be likely to cause significant harm to the safety and convenience of highway users. In this respect it would conflict with CS Policy P10 and UDP Policy GP5, the provisions of which are consistent with the aim of the Framework to ensure safe and suitable access to the site.

Character of the locality

19. Although the density of development proposed may be higher than generally associated with the neighbouring Bradford Road frontage properties, it appears to me that it would be comparable to other development in the locality, which includes some compact cul-de-sac developments and terraced housing. In this context, it would not amount to overdevelopment of the site. I conclude that, having regard to the size, scale and layout of the scheme, the effect of the proposal on the character of the locality would be acceptable and in this respect it would not conflict with CS Policy P10 or UDP Policy GP5.

Other matters

20. As the site is situated within an urban area and a location from which some jobs, shops and services are likely to be reasonably accessible by public transport, it gains some support from CS Spatial Policy 1 and Policy H2.
21. The proposed development would contribute to the local economy by creating employment associated with construction of the scheme and potentially

on-going work opportunities for maintenance workers. Furthermore, it would contribute to the supply of housing in the area.

22. The current use of the main section of the appeal site as garden containing a number of outbuildings is consistent with its surroundings, which are characterised by neighbouring gardens with some outbuildings. Whilst the rear garden of Glad Rich is relatively large, it appeared to me to be well maintained. I give little weight to the appellant's unsupported contention that it is impractically large for a typical house owner.
23. CS Policy T1, which has been cited by the Council, deals broadly with transport management and appears to be of little relevance in relation to the housing proposal before me.
24. Nonetheless, in my judgement, neither these, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issues.

Conclusions

25. I conclude on balance that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits and the proposal would conflict with the Development Plan taken as a whole. Furthermore, having regard to the likely economic, social and environmental impacts of the scheme, I consider on balance that it would not amount to sustainable development under the terms of the Framework. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR