

Appeal Decision

Site visit made on 15 January 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2019

Appeal Ref: APP/N4720/W/18/3212821

18A Bradford Road, Guiseley, Leeds LS20 8NH

- 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 Robert Mifsud against the decision of Leeds City Council.
 - The application Ref 18/03947/FU, dated 18 June 2018, was refused by notice dated 14 August 2018.
 - The development proposed is a garage with store above.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site is located within the Tranmere Park Conservation Area (TPCA). In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Main Issues

3. The main issues on this appeal are:
 - Whether the proposal would preserve or enhance the character or appearance of the TPCA; and,
 - the effect on the living conditions of the occupiers of 2 Tranmere Court with particular regard to outlook and overshadowing.

Reasons

Character and appearance

4. The appeal site relates to a parcel of land situated to the rear of a shopping parade. At the time of my visit the site was being used to park a motor vehicle. Due to its location behind Tranmere Parade (TP) and having a private access, the appeal site occupies a less prominent position in the street scene. However, the appeal site forms a generous plot, which has neighbouring plots of similar size to the rear of TP, which too appear to be used for parking purposes. In this location there are mature trees and vegetation present, and the overall area to the rear of TP has a spacious setting, which is expressive of this part of the TPCA.

5. The proposal seeks to build a 2-storey structure, which would comprise of a garage with a store above, occupying majority of the plot. The building would have a render finish with a tiled roof, UPVC windows and UPVC roller shutter door. The detached building would be notably taller and would occupy a much larger footprint than the other detached garages in the immediate vicinity of the appeal site.
6. Policy P10 of the Leeds City Council Core Strategy 2014 (CS) requires, amongst other things, development to protect and enhance the district's existing, historic and natural assets, in particular, historic and natural site features and locally important buildings, spaces, skylines and views. Policy P11 of the CS requires, amongst other things, the historic environment to be conserved and enhanced. Paragraph 192 of the National Planning Policy Framework 2018 (the Framework) requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of development making a positive contribution to local character and distinctiveness.
7. The principle of development is not disputed between the parties, and I find no harm in respect of the materials proposed in construction as they are complementary to the appearance of the properties on TP. However, I have particular concerns with the height of the proposed building and its footprint. I find that these elements of the proposal would significantly reduce the important sense of space around the site. The resultant large appearance of the building would be unsympathetic and distinctly at odds with the area to the rear of TP, thus forming an incongruous feature. As such, the structure would create a strident feature with proportions out of keeping with the prevailing character of this area of the TPCA. I note that the appellant suggests that the proposed planting scheme would flourish. However, I do not consider that this would provide a suitable form of mitigation to counteract the harm identified.
8. The planning system should be a proactive process which secures development that improves the economic, social and environmental conditions of an area. I agree with the Council that the proposal would cause harm to the character and appearance of the area and the significance of the designated heritage asset.
9. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of paragraph 196 of the Framework. To allow the proposal the resultant harm would need to be clearly outweighed. The proposal would provide the Appellant with extra space for storage. However, I find that the public benefits of the proposal would not outweigh the harm to the significance of the TPCA. I have considered the development on its own merits and concluded there would be harm for the reasons set out above.
10. For the above reasons the development would fail to preserve or enhance the character or appearance of the TPCA, and would lead to less than substantial harm to a designated heritage asset. Accordingly, I find that the proposal would conflict with Policies P10 and P11 of the CS. Additionally, the proposed development fails to accord with HDG1 of the Leeds City Council Householder Design Guide 2012 (SPD), which advises that extensions or alterations which harm the character and appearance of the locality will be resisted. Whilst the

appeal proposal is not strictly an extension, I still consider that the overall design aims of the SPD relevant in the context of this appeal. Furthermore, the proposed development would not conserve the heritage asset in a manner appropriate to their significance in line with the Framework.

Living conditions

11. The development would be located in close proximity to the rear boundary of the appeal site. On the opposite side of this boundary fence is No 2, which is a detached dwelling. The closed boarded timber boundary fence is of considerable height and quoted by the appellant as being 3 metres tall. This is not disputed by the Council. Additionally, I noted that in some areas the height was further increased through the presence of tall mature trees and vegetation.
12. The Council note the height of the apex on the appeal building as 4.9 metres, which is not disputed by the appellant. This will result in approximately 1.9 metres of the building being visible above the boundary fence to the occupiers of No 2. The element of the building that would be visible to the occupiers of No 2 would be the gable to the dual pitched roof. Therefore, there would be considerably less bulk and massing above the fence line, as the wall would not have the appearance of a full gable end. Additionally, I noted that No 2 would not directly face the development, which I find would provide additional mitigation to prevent any significant harm to the outlook from No 2 by its occupiers. Furthermore, the orientation of No 2 and the length of its garden would still result in majority of the property receiving a substantial amount of sunlight throughout the day if the proposal was to be constructed, thus preventing any significant overshadowing.
13. For all of these reasons the proposal would not create any harmful effects to the living conditions of the occupiers of No 2 with particular regard to outlook and overshadowing and therefore accords with the overall amenity protection and design aims of Policy GP5 of the Leeds Unitary Development Plan Review, 2006, which requires development not to adversely affect amenity.
14. Additionally, the proposed development accords with HDG2 of the SPD, which amongst other things, seeks to protect the amenity of neighbours. Furthermore, the proposal would comply with paragraph 127 of the National Planning Policy Framework 2018, which seeks to ensure a high standard of amenity for existing and future users.

Conclusion

15. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR