



Appeal Decision

Site visit made on 11 June 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 31st July 2019

Appeal Ref: APP/N4720/W/19/3224426

39 Third Avenue, Wetherby LS22 6JR

- 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 Gould against the decision of Leeds City Council.
 - The application Ref 18/05720/FU, dated 06 September 2019, was refused by notice dated 19 November 2018.
 - The development proposed is single dwelling to side, single storey rear extension and dormer to 39 Third Avenue.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Gould against Leeds City Council. This application is the subject of a separate Decision.

Procedural Matter

3. At the time the application was determined, Leeds City Council Core Strategy Selective Review Proposed Policy and Paragraph Changes to the Adopted Leeds Core Strategy (the CSSR) was at the Submission Draft stage and carried only limited weight. The CSSR is now at an advanced post-examination stage and accordingly greater weight can be attached to the emerging policies.
4. In its evidence the Council has raised concerns that the appeal scheme would conflict with Policy H9 of the emerging CSSR. This is a new policy that relates to minimum space standards for new dwellings.
5. Paragraph 48 of the National Planning Policy Framework (the Framework) directs decision makers to give weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections, and the degree of consistency with the Framework. The emerging CSSR is at an advanced stage of preparation. The evidence submitted to the appeal indicates that there are no unresolved objections to Policy H9 and the alteration proposed as a Main Modification does not amend the substance of the Policy. Policy H9 is consistent with the nationally described space standards and I am satisfied that it broadly accords with the residential amenity protection aims of Paragraph 127 f) of the Framework. I therefore find that Policy H9 of the emerging CSSR can be given significant weight at this stage as a material consideration.

6. Although the appellant has not submitted any evidence in respect of Policy H9, he has been given the opportunity through the appeal process to comment on the Council's evidence and the implications of emerging Policy H9 for the proposed development. For that reason, I am satisfied that no party will be prejudiced by my consideration of it in the determination of the appeal.

Main Issues

7. I therefore consider that the main issues are:
- i) The effect of the proposed development on the character and appearance of the host property and the area; and
 - ii) Whether the proposed development would provide adequate living conditions for future occupiers, with particular reference to the proposed new dwelling formed from the extension of No 39 Third Avenue.

Reasons

Character and appearance

8. No 39 is a 2 storey semi-detached dwelling. It is part of a small group of similar properties located on a short spur of Third Avenue. It is set back from the road in a large plot and, as built, it was widely separated from the neighbouring property by the driveways of both properties. Elsewhere in the area there are different styles of properties, including short terraces, and there are irregular plot sizes and building orientations. Nevertheless, there is a repetition of built form and building materials that results in a consistency and harmony of character and appearance. The wide spacing between properties, generous gardens and wide grassed verges contribute to a sense of openness.
9. No 39 has been granted planning permission (ref 18/02111/FU) for a 2 storey side extension. At the time of my visit, it was apparent that the extension has been substantially constructed. The appeal proposal is for further extensions and alterations to the property and its subdivision to create 2 dwellings. The front garden would be converted to provide four car parking spaces.
10. The proposed porch side extension to the already extended property, and the subsequent conversion of the extensions to form a separate dwelling, would result in an incongruous form of development. The various parts of the appeal scheme would each be somewhat narrow, with stepped front elevations and varied roof heights. However, the overall effect would be a disproportionately wide and discordant building that would not relate well to the modest size and simple form of the host property and surrounding semi-detached properties. Consequently, it would not respect the local context or character of the townscape and it would not make a positive contribution to place making.
11. The dormer extensions to the rear of the property would be substantial and bulky features. They would be dominant and they would overwhelm the roof of the appeal property. While they would not be visible from the front of the property, they would be noticeable from elsewhere in the area including surrounding properties and through the gaps between properties. By virtue of being conspicuously large and out of keeping with the simple roofscapes that are characteristic of the area, they would be detrimental to the townscape.

12. The proposed parking of a large number of vehicles immediately to the front of the dwellings would be visually obtrusive. It would be out of character with the surrounding properties and it would be detrimental to the appearance of the appeal property and the street scene. In this respect, the proposal would conflict with Leeds City Council's Supplementary Planning Guidance – Neighbourhoods for Living A Guide for Residential Design in Leeds Adopted December 2003 (the SPG), which requires that parked cars should be unobtrusive and should not visually dominate the space especially where densities are high. I note the suggestion that the parking area could be constructed under permitted development rights. Notwithstanding, the parking provision has been proposed as part of the appeal scheme. Moreover, I am not persuaded that the entirety of the front garden would be used for the parking of such a large number of vehicles to serve a single dwelling in this location.
13. Submitted plans do not illustrate bin storage. However, the dwelling formed from the original part of No 39 would have no external rear access and bins would therefore need to be stored to the front of the property. Given the proposed use of the frontage for parking, it seems likely that the bins would either need to be stored next to the front elevation or left out on the street. Either option would be detrimental to the appearance of the appeal property and the street scene, and it would be contrary to the guidance in the SPG which advises that proper provision should be made for the storage of bins.
14. I therefore find that the proposed development would result in significant harm to the character and appearance of the host property and the area. It would conflict with the development plan, including Policy P10 of the Leeds City Council Leeds Core Strategy Adopted November 2014 and saved policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement. These require, among other things, that development should respect original building and streets, contributing positively to place making and being appropriate to its context. The proposal would conflict with the guidance in the SPG that relates to the provision of parking and the storage of bins. It would also conflict with the design aims of the Framework that require development to be visually attractive and to add to the overall quality of the area.

Living conditions

15. The new dwelling to the side of No 39 would be a 2 storey 2 bedroom property, with bedroom 1 on the first floor and bedroom 2 in the converted loft space.
16. The evidence before me indicates that it would provide significantly less internal floor space than would be adequate for a 2 bedroom property for either 4 or 3 persons. Moreover, while neither bedroom appears particularly spacious, even with the proposed dormer extension bedroom 2 appears constrained by the reduced height of the roof. In this respect, the proposal does not demonstrate that the converted loft bedroom would provide an adequate area of usable space, with particular reference to ceiling heights, or otherwise justify a proposed dwelling that would fall short of the minimum internal space standards.
17. Therefore, the proposed development would fail to provide adequate living conditions for the future occupiers of the proposed new dwelling. It would conflict with Policy H9 of the emerging CSSR, which requires development to create healthy and sustainable living environments. It would also conflict with

paragraph 127 of the Framework in relation to the requirement for development to function well and to create places with a high standard of amenity for future users.

Planning Balance

18. At the time of determination, the Council was unable to demonstrate a 5 year housing supply and the provisions of paragraph 11 of the Framework therefore applied. However, evidence submitted to the appeal indicates that this is no longer the case. The appeal scheme would in any case make a minimal contribution to the supply of housing. It would provide only limited economic benefits, most of which would be realised in the short-term during the construction phase.
19. The accessibility of services and facilities, including sustainable forms of transport, would be a small benefit. However, on the basis that there are likely to be other equally accessible sites where new residential development could be delivered without conflict with the development plan, this is a matter which attracts little weight in the balance.
20. The proposed subdivision of the rear garden would result in 2 oddly-shaped rear gardens that are out of keeping with the surrounding area. While I accept that they would provide an adequate extent of outdoor space for each property, this is not a matter which weighs in favour of the scheme.
21. My attention has been drawn to policies in the Framework that support the subdivision of dwellings. However, Paragraph 79 of the Framework relates to the development of isolated homes in the countryside and it is not therefore relevant to the appeal scheme which is not in an isolated countryside location.
22. Conversely, the proposal would result in harm to the character and appearance of the area. The proposed new dwelling would fail to provide adequate living conditions for future occupiers. In this respect, emerging Policy H9 of the CSSR is a material consideration that carries significant weight. I have found that the proposed development would conflict with this policy.
23. The conflict with policies in the development plan, the emerging CSSR and the Framework clearly outweighs the limited benefits associated with the appeal proposal.

Conclusion

24. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR