



Appeal Decision

Site visit made on 8 July 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2019

Appeal Ref: APP/N4720/W/19/3227502

24 Fernlea, Rothwell, Leeds LS26 0HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Ward against the decision of Leeds City Council.
 - The application Ref 18/07264/OT, dated 25 October 2018, was refused by notice dated 30 January 2019.
 - The development proposed is the construction of a detached dormer bungalow and shared double garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought but with access and layout to be considered at this stage. I have therefore regarded all elements on the drawings, apart from access and layout, as indicative.
3. As part of the appeal the appellant has included a plan 4015/02B omitting the shared double garage to show parking and manoeuvring arrangements in the site. However, omitting the shared double garage changes the application description. It also appears that this drawing has not been the subject of public consultation. Thus, if I were to take this amended plan into account it would change what has been applied for and prejudice those who would normally have been consulted. I have therefore considered the appeal on the basis of plan 4015/02A which formed the basis of the Council's refusal notice.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. Fernlea is a cul de sac of semi-detached houses in a residential area of Rothwell. The houses at the end of the street are bungalows set in more spacious plots compared to the two storey houses. This contributes to a pleasant sense of spaciousness at the end of the street. Most properties in the street have a small single storey garage within the driveway, which is clearly subservient to the main house and retains the separation between houses, thereby preserving rather than undermining the street layout.

6. The neighbouring bungalow No 23 sits substantially lower than the appeal property and as a result, its garage projects only marginally above the side retaining wall.
7. The proposed dwelling would be positioned close to the boundary with No 23 in a similar manner to the layout of other garages in the street, but with accommodation over two floors. Despite the stated intention for the proposed dwelling to have a footprint similar to a double garage, it is likely to be significantly larger and higher than any of the garage buildings found within the street. As a result, it would not have a subordinate relationship to the existing house and would also tower over No 23. This would not be in keeping with the character of development in the street. It would also unacceptably erode the space between the appeal property and No 23, thereby diminishing the sense of spaciousness at the end of the street to the detriment of the street scene.
8. I therefore conclude that the proposal would cause significant harm to the character and appearance of the area. In this regard, the proposal is contrary to Policies H2 and P10 of the Leeds Local Development Framework Core Strategy 2014, saved Policy GP5 of the Leeds Unitary Development Plan (2006), as well as the Neighbourhoods for Living Supplementary Planning Guidance (2003). These seek to prevent development of sites which make a valuable contribution to the visual and/or spatial character of an area, and the protection of the character and appearance of a locality, through among other things, development that is appropriate to its context in size, scale, design and layout. There is also conflict with paragraph 127 of the National Planning Policy Framework, which seeks to ensure new development is visually attractive, maintains a strong sense of place and adds to the overall quality of the area.

Other Matters

9. The appellant has made reference to the proposed accommodation being suitable for an individual with impaired mobility and their full-time carer. However, I do not have any further evidence of the need for this and can therefore attribute only limited weight to it in my decision.
10. The division of garden space, even with the shared garage, would still leave a reasonable amount of garden, parking and bin storage space for both the existing and proposed houses, but this does not alter my decision.
11. The Council has not raised concerns about highway safety and based on the information before me I have no reason to disagree.
12. Other interested parties raised concerns in relation to overlooking, construction impacts and future intentions for the proposed garage, but as the appeal is being dismissed for other reasons, I make no further comments on these matters.

Conclusion

13. The proposal would be in a reasonably accessible location and have suitable garden size, parking and access arrangements. However, these considerations would not outweigh the harm I have identified in relation to the character and appearance of the area and conflict with the policies in the development

plan. Accordingly, there are no material considerations in this case to justify a decision other than in accordance with the development plan.

14. Consequently, for the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR