
Appeal Decision

Site visit made on 17 December 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 29 January 2020

Appeal Ref: APP/N4720/W/19/3238853

9 Albion Terrace, Clifford, Wetherby LS23 6HZ

- 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 B Hobson against the decision of Leeds City Council.
 - The application Ref 19/01797/FU, dated 22 March 2019, was refused by notice dated 28 May 2019.
 - The development proposed is a two storey side extension to form a new 2 bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Procedure Matters

2. The Council adopted an amended version of the Leeds Core Strategy under the Core Strategy Selective Review (2019) (CSSR) during the appeal. In the interests of fairness, the Council and the appellant were given the opportunity to comment on this matter. I have therefore dealt with the appeal accordingly.
3. I have also had regard to the Clifford Neighbourhood Plan (CNP), which was made on 22 March 2017 and forms part of the development plan.

Main Issues

4. The main issues are (i) the effect of the proposed development on the character and appearance of the area; (ii) the effect of the proposed development on the living conditions of the occupants of No.9 Albion Terrace, (No.9), with particular reference to outlook; and (iii) whether the development would provide acceptable living conditions for future occupants, with regard to private outdoor amenity space.

Reasons

Character and Appearance

5. The appeal site incorporates a two storey end terraced dwelling with front, rear and side garden areas forming part of a wider block of terraced properties and is situated within a predominantly residential area. The immediate street scene is characterised by rows of terraced blocks all of similar appearance and features, whilst the wider area is of a mix of different house types. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local character.

6. Albion Terrace is a cul-de-sac and consists of two long rows of terraces, they have modest gaps between them which provide a visual and spatial gap between the two terraced blocks and their built form. The proposed dwelling would be attached to the end of No.9 and would have a large two storey rear projection. It would be situated within close proximity to the shared boundary of the property to the north, No.8 Albion Terrace (No.8), and would therefore significantly reduce and erode the important spatial gap between those properties, particularly due to the appearance of the long-terraced blocks. Therefore, the loss of the gap would be to the detriment of the character and appearance of the street scene along Albion Terrace.
7. I acknowledge the appellants comments in relation to No.13 Albion Terrace, however this was for a domestic extension and not a new dwelling, whilst this dwelling is part of a pair of semi-detached properties and is not between two long terraced rows.
8. The design of the proposed dwelling would significantly differ from the existing terraced properties along the rows, particularly as it would be narrower in width on the front elevation in comparison to those properties along the row, which are characterised by having wider front elevations. Whilst, the proposed windows would be at odds with the vertical proportions of the existing openings of properties along the terraced block and due to the limited size of the plot the majority of the front elevation would be over dominated by parking, thus it would appear as a cramped and squat dwelling within the street scene.
9. Furthermore, the addition of a large two storey projection, its design, including the projecting gable roof form of the proposed dwelling would appear excessively large and opposing along the rear elevation to the detriment of the simple unaltered terraced row. Therefore, the proposed dwelling would be seen as an incongruous addition when viewed along the street scene of both Albion Terrace and Burns Way.
10. For the reasons given above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. It would be contrary to Policy P10 of the Leeds Core Strategy, 2014 (as amended by the Core Strategy Selective Review 2019) (LCS) and Saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006), 2006 (LUDP). These policies, amongst other things, expects new development to deliver high quality inclusive design; the size, scale design and layout of the development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and wider locality and consideration given to both their own amenity and that of their surroundings.
11. It would also be contrary to Policy DEV-2 of the CNP 2016-31, 2017, which requires developments to be designed to a high standard and that they take account of the design principles set out in the LCS Policy P10.

Living Conditions existing occupants

12. The National Planning Policy Framework (the Framework), 2019 at paragraph 17, requires planning decisions to seek a good standard of amenity for existing and future occupants of land and buildings.

13. In terms of privacy and overlooking to properties along Burns Way, the proposed dwelling would meet the Council's requirements relating to distances, as the rear projection of the proposed development would be located some 18metres away from these properties. There would also be no loss of light or overbearing impacts of development to No.8, given the angle and position of the proposed development and that existing outbuildings are located along the garden boundary at No.8.
14. However, the proposed development would include a rear two storey projection which would substantially extend beyond the rear wall of the existing terrace row and would be located directly alongside the shared boundary with the existing dwelling at No.9. Given the excessive scale in terms of its overall projection and height being two-storey, it would appear as a dominant and overbearing addition, particularly when viewed from both the rear windows and garden area of No.9 to the detriment of the outlook of occupiers of that No.9. Furthermore, the proposed development would lead to the loss of an existing spacious garden area of No.9, thus reducing the private outdoor amenity space which is currently enjoyed.
15. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of the occupants of No.9. It would be contrary to Policy P10 of the LCS, 2014 and Saved Policies GP5 and BD5 of the LUDP, 2006. Together these policies, require, consideration given to amenity and that of their surroundings and include usable space; seek to avoid loss of amenity; protects the visual, residential and general amenity of the area through high quality design that protects and enhances surrounding routes, useable, space, privacy, air quality and satisfactory penetration of sunlight and daylight. It would also be contrary to paragraph 17 of the Framework, in regard to providing a good standard of amenity for existing occupants.

Living Conditions of future occupants

16. The Council's Neighbourhoods for living¹ supplementary planning document (SPD), advises that the level and form of private open space provision will vary with the scale and character of the development and should be determined by the overall design concept of the scheme. It requires in back gardens that family homes normally need an external private area to do their own thing. Whilst, as a general guide private gardens should have a minimum area of two-thirds of total gross floor area of the dwelling, excluding vehicular provision.
17. The proposed development would result in a small area of private amenity space at the rear for future occupiers of the dwelling, whilst reducing the outdoor private amenity space for the existing No.9. I acknowledged that some of the nearby dwellings have smaller rear gardens, but the proposed development would be significantly smaller than those. As such the private amenity space for the new dwelling would be substandard and would not provide adequate private amenity space to the detriment of future occupiers of the dwelling.
18. Policy H9 of the CSSR, 2019 relates to minimum space standards for new dwellings. The proposed dwelling would create a two bedroom / three-person (one double, one single bed) dwelling. The Council have acknowledged that the overall floorspace of the dwelling measures approximately 69sqm compared to

¹ Leeds City Council: neighbourhoods for living: A guide for residential design in Leeds: adopted December 2003

the requirement of 70sqm. The proposed single bedroom would also be marginally smaller than the requirement of 7.5 sqm requirement, being approx. 7 sqm. Whilst these measurements are slightly substandard, I have no reason to disagree with the Council that it is not considered, on balance, that the proposal will result in any demonstrable harm in relation to the aims of Policy H9. However, this does not outweigh the other harm I have found.

19. For the reasons given above, I conclude that the proposed development would not provide adequate living conditions for future occupiers, by way of private outdoor amenity space. It would be contrary to Saved Policies GP5 and BD5 of the LUDP, 2006. These policies set out that proposals should seek to avoid problems of loss of amenity and all new buildings should be designed to include usable space. It would also be at odds with the Council's SPD guidance relating to private open space and contrary to paragraph 17 of the Framework in regard to providing a good standard of amenity for future occupants.

Other Matters

20. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, be within a sustainable location and the contribution both construction opportunities and any future occupiers would make to the local economy. This would be limited due to the quantum of development proposed. These matters, however, do not outweigh my findings in respect of the main issues nor the conflict I have found with the development plan read as a whole.
21. I have been referred to other developments, in particular to No.5 Albion Terrace (No.5). However, I do not have full details of this scheme and so cannot be certain that the circumstances are the same. In any event, I saw that No.5 is not located next to terraced blocks and there was a significant larger gap between No.5 and the bungalows along Albion Terrace. Whilst it does not change the prevailing character of the area in order to justify the development before me. In any case I have considered the appeal proposal on its own merits.
22. The Council has cited Policy EN8 of the CSSR, 2019 relating to Electric Vehicle Charging Points (EVCP). This requires an EVCP to be installed for every new dwelling. It is considered that this could be dealt with by a suitable worded condition. However, this does not outweigh the other harm I have identified.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR