
Appeal Decision

Site visit made on 10 February 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal Ref: APP/N4720/W/19/3241663

1 Grosvenor Gardens, Headingley, Leeds LS6 2FA

- 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 Julian Mulford against the decision of Leeds City Council.
 - The application Ref 19/04855/FU, dated 1 August 2019, was refused by notice dated 8 October 2019.
 - The development proposed is change of use of landscape area to form domestic curtilage and erection of boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development from the Council's decision notice, as this describes the development succinctly.
3. I have removed reference in the description to the development being retrospective as this is not in itself development. However, I saw at my site visit that the development has been implemented and that the appeal is retrospective.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area;
 - highway safety; and
 - the availability of amenity green space within Grosvenor Gardens.

Reasons

Character and appearance

5. The appeal site is located within the Headingley Hill, Hyde Park and Woodhouse Moor Conservation area (Conservation Area). The Headingley and Hyde Park Neighbourhood Design Statement (NDS) adopted in September 2010 and the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area Appraisal adopted May 2012 (CAA) both identify the site as being within the Headingley Hill character area. These documents describe the character of the area as mid-nineteenth century with very large, predominantly stone detached and

- semi-detached villas set in large plots reinforced by extensive stone boundary walls, mature trees, stone kerbs and flags. Despite much infill over the last century the significance of the Conservation Area is, in part, derived from the green spaces with mature trees that remain within the built-up areas, partly as private gardens, but also as public space at Dagmar Wood on Grosvenor Road.
6. Grosvenor Gardens, a relatively recent development, has introduced a discreet modern addition to the area consisting of two short terraces of 7 properties set back from Grosvenor Mount served via a small private road. The properties are within a treed setting with good sized gardens and are designed to be sympathetic to the character of Grosvenor Mount.
 7. No 1 Grosvenor Gardens faces Grosvenor Mount and is constructed as an end of terraced property at the entrance to Grosvenor Gardens. The limited rear garden originally allocated to the house as part of the development is not typical of the area. The enclosure of the landscape strip with fencing, previously identified on the approved scheme as 'meadow grass (adopted landscaping)', provides an improved garden space for the property.
 8. However, the fence, according to the drawings, is 1.97 metres high and surrounds a relatively small awkward space. Its height and design and its location directly on the back of a small paved margin dominates the shared area within the cul-de-sac. The fence appears as a large, obtrusive and incongruous feature which is at odds with the prevailing character. Consequently, its siting and design detracts from the area's character and appearance, including views from Grosvenor Mount, where the visual quality of the public realm is partly derived from the stone walls and planting to boundaries. It therefore detracts from the significance of the Conservation Area that I have identified.
 9. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Conservation Area is a designated heritage asset as defined in the National Planning Policy Framework (The Framework). Paragraph 193 states that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The harm I have identified in the context of the Framework would be less than substantial. The Framework requires that less than substantial harm be weighed against the public benefits.
 10. The appellant states that the land has been improved by removing rubble left by the builder and I saw on site that the introduction of raised beds has provided an area for growing vegetables and flowers or for landscaping. I also acknowledge that the enclosure of the area has improved the appellant's garden space and has provided a small step towards parity with adjacent garden curtilages. I also saw during my site visit that the bins store is visible from Grosvenor Mount and has a similar design of fencing albeit of a lower height. However, these matters do not outweigh or justify the harm I have identified.
 11. Consequently, I find that the development is harmful to the character and appearance of the Conservation Area. As a result, the development conflicts

with Policies P10, P11 and P12 of the Leeds City Council Core Strategy Leeds Local Development Framework November 2014 (Core Strategy). These policies seek development appropriate to its context, which protects the historic environment and the character, quality and biodiversity of townscapes. It also conflicts with Policies N19 and N25 of the Leeds Unitary Development Plan (Review 2006) which seeks appropriate design and materials for new development and boundaries in conservation areas. There is also conflict with HDG1 of the Leeds City Council Householder Design Guide Supplementary Planning Document (SPD) which guides the design of boundary treatment. The policies and guidance are consistent with the design and heritage objectives of the Framework with which the proposal also conflicts.

Highway Safety

12. The site entrance is gated. The appellant advises that the gates are openable by the residents of Grosvenor Gardens. Consequently, vehicles entering the site will do so from a stop. In this scenario and given the road layout I consider that the forward visibility when entering and leaving Grosvenor Gardens is adequate. In this respect there would be no unacceptable impacts on highway safety as a result of the siting or design of the fence.
13. I saw at my site visit that there is a parking space directly next to the fence which has very limited visibility due to the fence's height and siting. Vehicles leaving the parking space immediately next to the fence would have a limited view of approaching vehicles and pedestrians. Given the likely traffic speeds within the short cul-de-sac conflict with vehicular traffic is unlikely. However, although I am mindful that the cul-de-sac only has a small number of dwellings, the area is designed as a shared surface with the purpose of encouraging pedestrian movement and social interaction.
14. As a result, I find that the limited visibility of pedestrians when exiting the car parking space immediately next to the fence is prejudicial to highway safety. As such there is conflict with Policy T2 of the Core Strategy which seeks safe and secure access for pedestrians and the Leeds City Council Street Design Guide SPD 2009 which encourages the design of streets based on their function. In addition, the Framework does not support development that has an unacceptable impact on highway safety.

Amenity green space

15. I have been provided with a copy of drawing no. 420-001-2002 rev. G 'proposed site plan with hard and soft Landscaping' referred to by the Council. The soft landscaping on this plan is separated into four categories: lawn, shrubs, meadow grass and meadow grass (adopted landscaping). The appeal site is the only area denoted as meadow grass (adopted landscaping). This designation appears to reflect the evidence that the road was initially proposed to be an adopted highway with the appeal site as part of the adopted area. Whilst this would have ensured that the site would have remained open, it appears to me that its original purpose was not to provide amenity space of the kind referred to in Policy G6 of the Core Strategy.
16. The Council state that there is not an adequate supply of accessible green space or open space within the relevant analysis area. However, there is no evidence about the extent of the analysis area or the degree of the deficiency of space.

17. Grosvenor Gardens consists of 8 properties with a variety of trees and usable open grassed areas within it. In conjunction with the properties' private gardens, the provision of green space is appropriate and of a good standard. The loss of the appeal site which is akin to a landscape strip would not reduce the level of usable green space.
18. Consequently, I consider that there would be no harm to the overall availability of amenity green space within Grosvenor Gardens and there would be no conflict with the requirement of Policy G6 of the Core Strategy. In this respect I also find no conflict with the Framework.

Other Matters

19. I appreciate that the appellant was unaware of the need for planning permission for the fence and unaware of previous planning applications. I also appreciate that the appellant considers that the highway authority has changed its view on the proposals and has sought to negotiate with the Council. However, although all this might be true, these matters do not weigh in favour of the appeal.
20. I understand that the fencing protects the privacy of the occupiers of the development and may have some crime prevention benefits. I consider that these matters could be addressed by alternative boundary treatment and therefore they do not weigh in favour of the scheme.
21. I have noted the third party comments with regard to biodiversity and hedgehogs, however, given my conclusions on the main issues I have not found it necessary to consider these matters further.

Conclusion

22. In conclusion, I find that the proposed development would harm the character and appearance of the Conservation Area, to which the Act requires I pay special attention, and would be prejudicial to highway safety. While I have found no harm in respect of the loss of amenity green space, I find that this does not outweigh the harm I have identified.
23. Therefore, for the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR