
Appeal Decision

Site visit made on 25 February 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2020

Appeal Ref: APP/N4720/W/19/3242420

Land off West Parade, between no. 2 and no. 6, Leeds, LS16 5AZ

- 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 Mrs Kaine against the decision of Leeds City Council.
 - The application Ref 19/00991/FU, dated 18 February 2019, was refused by notice dated 4 June 2019.
 - The development proposed is demolition of existing detached garage and construction of new 3bed detached family home.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. From the evidence before me I am aware that since the appeal was submitted the Council has adopted a Site Allocations Plan (July 2019) (SAP) and the Core Strategy Selective Review (September 2019) (CSSR) which I have considered in relation to this case where relevant. As both parties have referred to this in their evidence in relation to the Council's five-year housing land supply position, I do not consider that either party will have been prejudiced by my doing so.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the West Park Conservation Area, including its effect on trees.

Reasons

4. The appeal site is an irregular shaped and slightly overgrown grassed garden area bounded by mature and semi-mature trees on three sides with a single storey detached garage close to the other boundary with no. 9 North Parade. There is also a privet hedge bounding the front and side of the appeal site and each side of the driveway leading to the garage. The surrounding area is predominately residential comprising large detached and semi-detached dwellings which are in the main of an Edwardian Arts-and-Crafts architectural style.
5. The site is also situated within the West Park Conservation Area (CA) which is characterised by relatively uniform plots laid out in a grid pattern with these large Edwardian style dwellings generally being located centrally within them

and the plots are relatively small in comparison to these properties. Gardens are identified as being essential to the character of the CA with mature trees, boundary hedges and grass verges also being identified as being of particular importance¹. The use of red brick and white painted render as well as the large scale and massing of properties in the area (and that they conform to a strict shared building line) are also identified as its defining and unifying characteristics. Consequently, whilst it does not represent a common feature on the street frontages within the area, (and being mindful of paragraphs 200 and 201 of the *National Planning Policy Framework*) I consider that the undeveloped appeal site in its current form positively contributes to the visual amenity and thus the significance of the CA as a whole.

6. The proposal relates to the demolition of the existing garage and its replacement with a new detached garage in addition to a new detached dwelling being provided. The new garage would be in the same location as the existing one (with a slightly reduced footprint) with the new dwelling being located centrally within the appeal site. I acknowledge that: the proposal's central location within its plot would be broadly in keeping with the other properties in the area; that the proposed bay window would not project past that of the neighbouring property (no. 9 North Parade); that its design would reflect these properties in terms of detailing (even if this is something of a pastiche approach²); and that the design and layout of the proposal has been revised to address some of the issues raised by the previous Inspector³. However, given the small size and scale of the proposal and its relationship to the neighbouring larger Edwardian properties, I consider that it would not be in keeping with the CA's defining and unifying characteristics, and that it would therefore have an adverse visual impact, nonetheless.
7. I also note the Appellant's point that the size of nearby properties has likely been determined by their ratio in relation to the size of their respective plots meaning that the proposal would have to be smaller given the relative size of the appeal site. However, I am not convinced that this is sufficient to justify the proposal which would not accord with the CA's characteristics thereby appearing incongruous within the street scene. I am also not convinced by the Appellant's argument that the provision of a larger dwelling on the appeal site means that it would be out of proportion (with its plot and neighbouring properties), given that the size of the nearby Edwardian properties and the fact that their plots are comparatively small in relation to them.
8. In support of the appeal scheme the Appellant has also argued that the historic infill housing development of nearby plots (nos. 2 & 4 Ashleigh Road and nos. 1 & 3 West Parade) represent a precedent for the residential redevelopment of the appeal site and forms a character trait of the CA. However, I do not consider this type of infill housing to be a typically defining or unifying characteristic of the area. Furthermore, given that the appeal site has such a different irregular-shaped plot I do not consider that these examples of infill housing in the area to be similar enough to the proposal to represent a precedent in this case. Additionally whilst no. 2 West Parade is of a similar scale to the proposal in relation to the larger neighbouring properties, (and that

¹ See West Park Conservation Area Appraisal & Management Plan (2008)

² See Appellant's statement of case paragraphs 6.24 & 6.31

³ Appeal Ref APP/N4720/W/18/3201059

its layout in relation to its plot differs from them) it was built before the local area was designated as a heritage asset and I therefore also consider that it does not represent a precedent for similar housing in the area.

9. With regard to the street frontage, whilst I note that the appeal site represents a rare undeveloped space or gap within it (which is not very common within the wider area) the fact remains that it contains locally important trees (plus a hedgerow and area of open space), which are of clear importance to the character and appearance of the area. As a result, I consider that the appeal site makes a positive contribution to the visual amenity of the area (despite the fact that none of the trees within it are classified as being within category 'A').
10. The proposal would also impinge on the Root Protection Areas (RPAs) of these locally important trees to the front of the site, particularly tree T14. It would also necessitate the pruning of a large portion of the canopy of tree T14 (and a lesser amount of pruning to some other trees to the front of the site). I note that both the infringement of the RPAs and extent of the proposed pruning shown on the Arboricultural Impact Assessment & Method Statement (AIA) would be within the limits set by BS5837. However, as the AIA points out BS5837 also states that RPAs are a *'layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority'*. As a result, it would be reasonable to think that the proposal could potentially infringe on the RPA of T14 (and also those of the other locally important trees to the front of the site) by a factor greater than that stated in the AIA (even though the RPA for tree T14 has been revised to account for the area for rooting potential being limited due to the footpath and highway to the front of the site).
11. Furthermore, the lack of submitted drainage details for the proposal means that I do not have sufficient evidence before me to make a determination on any potential impact any installation could have on the RPAs of the locally important trees identified by the AIA. Whilst any potential impact from proposed drainage works can often be a matter controlled by condition, I am not satisfied that this would be acceptable in this case, where the locally important trees on the appeal site make such a positive contribution to the CA's character, appearance and significance.
12. Moreover, I acknowledge that the proposal would retain many of the trees identified in the AIA (as well as much of the privet hedge) and that it is not just these important trees but also the hedgerow to the front of the appeal site that collectively make the positive contribution to the visual amenity of the area. However, I consider that the removal of any of these trees (or the substantial pruning of their respective canopies) would diminish this collective contribution thereby harming the area's visual amenity, nonetheless. Consequently, I consider that the proposal would cause unacceptable harm to locally important trees thereby also having an adverse visual impact on the appeal site and wider CA in this regard.
13. Accordingly, given the size and scale of the proposal and its effect on locally important trees it would fail to preserve or enhance the character or appearance of the CA. As a result, it would have a negative effect on the significance of a designated heritage asset resulting in less than substantial harm to the CA. Having regard to paragraph 196 of the *National Planning Policy*

Framework (the Framework) I have little evidence before me to demonstrate that any public benefits arising from the proposal exist in this case to justify this harm.

14. I therefore conclude that the proposed development would conflict with Policies P10, P11, P12 and G9 of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (adopted September 2019), saved Policies GP5, N19, N25 and LD1 of the Leeds Unitary Development Plan Review (adopted 2006), Policy Land 2 of the Leeds Local Development Framework Natural Resources and Waste Development Plan Document (adopted January 2013), as supported by the West Park Conservation Area Appraisal & Management Plan (approved November 2008) and the Far Headingley, Weetwood & West Park Neighbourhood Design Statement (adopted September 2014), which seek to ensure good design, conserve trees where possible, preserve or enhance the character or appearance of an area and to protect, conserve and enhance historic assets, amongst other considerations. It would also conflict with paragraphs 193, 194, 195 and 196 of the Framework which seek to conserve and enhance the historic environment.

Other Matters

15. In their evidence the Council have advised that due to the adoption of the SAP and CSSR that a deliverable supply of housing land of approximately 8 years can now be demonstrated which the appellant has acknowledged. As a result, I consider that the presumption in favour of sustainable development as per paragraph 11 (d) of the Framework is not engaged in this case.
16. While I acknowledge that the street numbering on West Parade potentially indicates that it may have been considered appropriate to build a house on the appeal site at some time in the past this is not of sufficient weight to outweigh the harm to the character and appearance of the CA that I have identified above to which I attach great weight.
17. The Appellant has also argued that a proposal for a larger dwelling on the appeal site would have an adverse impact on neighbouring and future occupiers with regard to loss of light, privacy and outlook meaning that the appeal site would never be developed. However, as the Council have not raised any concerns in relation to this matter and I am dismissing the appeal on other substantive grounds, I have not considered it further. In any event I have determined this appeal on its own merits based on the evidence before me.

Conclusion

18. The proposed development would be contrary to the development plan for the area when considered as a whole. There are no material considerations indicating a decision otherwise than in accordance with it. For the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR