



Appeal Decision

Site visit made on 30 June 2020

by Beverley Wilders BA (Hons) PgDurt MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2020

Appeal Ref: APP/N4720/W/20/3250836

59 Roman Avenue, Roundhay, Leeds LS8 2AN

- 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 John Linley (Linley Builders) against the decision of Leeds City Council.
 - The application Ref 19/07113/FU, dated 15 November 2019, was refused by notice dated 10 March 2020.
 - The development proposed is demolition of existing garages, erection of 2 no 2 bed dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for one new dwelling at 59 Roman Avenue, Roundhay, Leeds LS8 2AN in accordance with the terms of the application, Ref 19/07113/FU, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development used in the heading above is taken from the planning application form. However, the proposal was amended prior to the application being determined by the Council including by reducing the number of proposed dwellings from 2 to one. In allowing the appeal I have used the description of development used on the Council's decision notice and on the appeal form as this more accurately describes the proposal.

Main Issue

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

Reasons

4. The appeal site comprises a relatively modern two storey building located at the corner of Roman Avenue and West Park Drive West. The building which is in use as two flats fronts onto West Park Drive West and appears elevated when viewed from Roman Avenue due to falling land levels south to north along Roman Avenue. The building has a single storey, flat roofed rear outrigger which provides garaging accessed via an existing vehicular access off Roman Avenue. At the time of my visit, existing mature hedging and trees along the front and side boundary of the appeal site provided extensive screening of the lower part of the host building when viewed from surrounding roads.

5. The outrigger is positioned adjacent to the western and northern boundaries of the site with the two storey part of the building also being close to the common boundary with 140 West Park Drive West to the side/rear. The front elevation of the outrigger is forward of the front elevation of the adjacent pair of semi-detached dwellings at Nos 61 & 63 Roman Avenue. This pair of dwellings together with ones opposite on Roman Avenue and in the immediate surrounding area are more traditional in character and appearance than the host building, though this particular part of Roman Avenue, north of West Park Drive contains few dwellings and is adjacent to an area of woodland.
6. The proposal involves the demolition of the flat roofed rear outrigger and the construction of a two storey dwelling attached to the host building. The floor level of the dwelling would be lower than that of the host building, more closely following ground levels along Roman Avenue than West Park Drive. As is the case with the existing outrigger, the rear elevation of the dwelling would be adjacent to the western boundary, would be forward of the front elevation of Nos 61 & 63 but would be set further away from the northern site boundary creating space for a garden area between the new dwelling and No 61.
7. I note the Council's concerns regarding the design, scale and layout of the proposed dwelling given the general character of Roman Avenue. However, as noted, this particular part of Roman Avenue contains few dwellings. The host building which is one of only five dwellings along this part of the road is of a more modern design and appearance which the proposed dwelling would replicate. Moreover, the proposed dwelling would be subordinate in scale to the host building and the lower part of it would be screened from the road by the boundary hedge which is to be retained. Although the dwelling would be forward of the dwellings at Nos 61 & 63, its relatively modest scale together with the fact that it would be set away from the common side boundary means that I do not consider that its siting would be harmful to the character and appearance of this particular part of Roman Avenue.
8. Contrary to the Council's assertions, the garden to the proposed dwelling would mainly be to the side and not to the front and would be enclosed by hedging separating it from the proposed parking area and helping to screen it from the road. At my visit I noted that whilst other properties nearby appear to have rear gardens, they also have large front gardens. Consequently, I do not consider that the proposed side/front garden arrangement proposed would be particularly out of keeping or harmful to the character and appearance of the area. The Council is satisfied that both the host building and the proposed dwelling would be provided with adequate garden space and having regard to this and to the proposed layout and scale of the proposal, I do not consider that it would result in overdevelopment of the site.
9. Taking the above matters into consideration, I conclude that the proposal would not adversely affect the character and appearance of the area. It therefore accords with Policy P10 of the Leeds City Council Core Strategy¹, saved policies GP5 and BD5 of the Leeds Unitary Development Plan (Review 2006) adopted July 2006, relevant guidance contained within the Council's Neighbourhoods for Living supplementary planning guidance December 2003 and relevant policies in the National Planning Policy Framework. These policies

¹ Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) adopted November 2014, amendments adopted September 2019

and this guidance seek, amongst other things, new development to provide good design that is appropriate to its location, scale and function.

Other Matters

10. In reaching my decision I note that some concerns were raised by an interested party in relation to parking and to the size of the retained garden. The Council is satisfied that the proposed parking and garden arrangements are acceptable and having regard to the details of the proposal, the site layout and to the evidence before me, I can see no reason to disagree with the Council's conclusions in relation to these issues.

Conditions

11. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. In the interests of the visual amenity of the area I have imposed conditions regarding materials, tree protection, soft landscaping and boundary treatments. The requirements of the tree protection condition are such that safeguarding is required to take place before development commences. I do not consider it necessary for samples of materials to be submitted for approval noting that the planning application form and plans state that external materials are to match existing.
12. I have also imposed a number of other conditions requiring details to be submitted before development commences covering issues of noise/air ventilation and the management of materials and contractors vehicles, plant and machinery. These are to ensure that future occupiers are not unduly affected by noise and in the interests of residential amenity and highway safety. I have not imposed the suggested conditions regarding contamination including asbestos and soil importation having regard to the existing residential use of the site and to the fact that there is no apparent evidence of contamination or evidence that the importation of contaminated soil is likely.
13. In the interests of highway safety, I have imposed conditions regarding the vehicular access and parking areas, though have not required any details to be submitted prior to works commencing as I do not consider this to be necessary. I have also imposed a condition requiring further details of cycle parking in order to ensure that suitable facilities are provided. I have not imposed the suggested conditions regarding electric vehicle charging points or permitted development rights as the submitted evidence does not demonstrate that these are necessary having regard to the nature, scale and location of the proposal.
14. The appellant has been consulted on the imposition of the conditions which prevent development commencing and has provided written agreement to the imposition of such conditions.

Conclusion

15. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: existing site plan, existing and proposed site plans and proposed plans and elevations all dated 04/03/2020.
- 3) The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match the materials on the existing building.
- 4)
 - a) No works shall commence (including any demolition, site clearance, groundworks or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction. Such measures shall be retained for the full duration of any demolition and/or approved works.
 - b) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition/ approved works commencing, to allow inspection and approval of the protection measures as implemented on site.
 - c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.
- 5) Prior to the works commencing on site details of a ventilation package which ensures the residents are protected from harmful effects of noise whilst maintaining satisfactory internal air quality will be submitted to and approved in writing by the Local Planning Authority. Such details shall be implemented in full prior to the occupation of the site and shall thereafter be retained for the lifetime of the development.
- 6) Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
- 7) The development hereby permitted shall not be occupied until full details of soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include:
 - (a) planting plans
 - (b) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and

(c) schedules of plants noting species, planting sizes and proposed numbers/densities.

The soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

- 8) No part of the development shall be occupied until details of the position, design, materials and type of all walls and/or fences or permanent boundary/screening treatment, whether or not shown to be erected on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. Such walls and fences must also be erected in accordance with the approved details, before the land/buildings to which they relate are occupied and shall thereafter be retained for the lifetime of the development.
- 9) Notwithstanding the approved details, prior to the occupation of the dwelling, cycle/motorcycle parking and facilities shall be provided in accordance with full details to be submitted to and approved in writing beforehand by the Local Planning Authority. The facilities shall thereafter be retained for the lifetime of the development.
- 10) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.
- 11) Means of vehicular access to and from the site shall be only as shown on the approved plan.