
Appeal Decision

Site visit made on 20 July 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/N4720/W/20/3249939

4-10 Drummond Avenue, Headingley, Leeds LS16 5JZ

- 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 Richard Standeven (Standeven Properties Ltd) against the decision of Leeds City Council.
 - The application Ref 19/06999/OT, dated 11 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed is 2 storey apartments on land adjoining existing apartments.
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Decision

1. The appeal is allowed and planning permission is granted for 2 storey apartments on land adjoining existing apartments at 4-10 Drummond Avenue, Headingley, Leeds LS16 5JZ in accordance with the terms of the application, Ref 19/06999/OT, dated 11 November 2019, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. The application is submitted in outline form with approval being sought in relation to the matters of access, appearance, layout and scale. The matter of landscaping is reserved for later consideration. Therefore, I have assessed the appeal based upon the plans that have been submitted, where they refer to those matters for which approval was sought.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The nearby buildings on the same side of Drummond Avenue as the appeal site appear to have been constructed in what were originally the rear garden areas of properties fronting onto Church Wood Avenue. There is no overall uniformity in the design of the buildings or the spaces in between them, although there are substantial gaps in the street scene where development in some rear garden areas has not taken place. The dwellings on the opposite side of Drummond Avenue are for the most part positioned more closely together in relation to one another and consist of a mixture of detached and semi-detached dwellings. There is evidence of some infilling on the opposite side of the road.

5. The proposed development would continue the linear arrangement of buildings along Drummond Avenue. It would be of a design that would reflect that of the existing building to which it would be attached, and its two storey scale would be consistent with that of both this existing building and the existing dwellings on both sides of Drummond Avenue. Its overall massing, in conjunction with the existing apartment building that it would be attached to, would be similar to that of existing semi-detached dwellings that are located in the vicinity of the appeal site.
6. The separation distance between the side elevation of the proposal and the existing property at 14 Drummond Avenue would, at the point closest to the public highway, be commensurate with the separation between existing dwellings on the opposite side of Drummond Avenue. Such a separation distance is appropriate in an urban residential location such as this and in the context of the surrounding area. Although the two existing blocks of apartments are designed as a symmetrically handed pair, the proposal would sit within the street scene in a visually acceptable manner.
7. The Far Headingley, Weetwood & West Park Neighbourhood Design Statement 2014 (NDS) identifies the appeal site as falling within the Church Woods and Drummonds Character Area. Attention is drawn within the NDS to a number of characteristics, including the presence of mature residential gardens in the locality. Representations that have been submitted by interested parties refer to the removal of trees that has taken place at the appeal site. However, no suggestion has been made by any party that these trees were subject to formal protection. There is therefore no certainty that replanting would occur in the event that this appeal was to be unsuccessful, nor any mechanism available to achieve this.
8. Precise details of landscaping would be submitted for approval at reserved matters stage. However, the existing apartments have mature hedges and grassed areas to their frontages, and this too could be achieved to the front of the appeal development, creating a soft frontage. This would provide consistency in the street scene and it would ensure that there would be no harm to the Drummond Avenue street scene and no conflict with the NDS.
9. Reference has been made to the set back of the rear elevation of the proposed development beyond the rear elevation of the existing apartment block, and that this may result in a precedent for other similar development to the rear of properties in the area. Whilst each case must be considered primarily upon its own merits, in this instance the set back is minimal and it would not create a feature that would be harmful to the character and appearance of the surrounding area.
10. For these reasons, I conclude that the proposed development would not cause harm to the character and appearance of the area. Accordingly, the proposal would accord with Policies P10 and P12 of the Leeds Core Strategy 2019, Policies GP5 and N23 of the Leeds Unitary Development Plan 2006, the Neighbourhoods for Living Supplementary Planning Guidance 2003 and its 2015 Memorandum and the NDS, all of which seek to safeguard the character and appearance of areas. There would also be no conflict with the National Planning Policy Framework, which seeks to achieve well-designed places.
11. The Council refers to Policy Land 2 of the Natural Resources and Waste Local Plan 2015 and its specific requirement for the replanting of trees. Whilst

landscaping is a reserved matter, I have set out the position regarding the present tree coverage on the site, and that this is the context in which I have assessed the appeal proposal.

Other Matters

12. No 14 has a conservatory to its rear elevation which has clear glazing facing the appeal site, in addition to a private rear garden area. Due to the floor level of the conservatory, it stands above the existing fence on the common boundary with the appeal site. The proposed development would be set back from the rear elevation of the existing block of apartments and it would run alongside the side elevation of the conservatory to No 14.
13. However, the height of the proposed development is substantially reduced at its closest point to No 14, due to the presence of the access stairs and the slope of the roof above this part of the building. The wall of the main side elevation of the proposal is higher, but it has a similarly sloping roof and it is set a reasonable distance from the common boundary. Therefore, there would not be harm arising to the occupiers of No 14 as a result of the massing and positioning of the proposed building.
14. The conservatory has glazing on its other two elevations and this, together with its orientation in relation to the appeal proposal, means that there would not be a significant reduction of existing light levels. There would be no windows facing towards No 14. Therefore, there would not be a harmful impact upon the living conditions of the occupiers of No 14 through a loss of light or privacy. As this is a residential proposal, noise generated from the day to day use of the proposed development would not be of a type that would be unexpected or inappropriate in a residential area.
15. There would be adequate distance between the rear of the proposed development and the rear boundary of the appeal site and the dwellings beyond it, to ensure that there would not be a harmful impact through overlooking or a loss of light. The windows to the front of the proposal would face towards the public highway, and their separation distance between the windows of existing properties on the opposite side of Drummond Avenue would be typical of the existing spacing on the road and would mean that no harm to living conditions would result.
16. The existing car park would be reconfigured to accommodate additional car parking spaces. Whilst this would align a number of spaces parallel with the rear site boundary, any noise arising from the coming and goings to the car park associated with two additional apartments would not be significant. There would also not be any significant impact upon air pollution or privacy. Any impact from light from car headlights would be adequately mitigated by the presence of existing boundary vegetation. Therefore, there would be no harm to living conditions arising from the reconfiguration of the car park.
17. The plans submitted show two extensive bin storage areas close to the rear boundary of the site. However, the arrangements for the existing four apartments consist of informal storage of wheelie bins to the rear of each of the two existing buildings. There appears to be no reason why this arrangement could not be continued, and replicated for the proposed two new apartments, thus negating the need for any bin storage close to the rear

boundary of the appeal site. A planning condition could be imposed to address this matter.

18. No substantive evidence has been provided to demonstrate that the proposed development would cause harm to the mix of housing available in the surrounding area or lead to anti-social behaviour and crime. On the basis that there is currently only limited vegetation on the site, that the proposal does not involve the demolition of any built structures and that it is located in an urban area, there is also no substantive evidence to suggest that, in this context, the proposal would have a harmful impact on bats or other ecological interests.
19. Vehicular access would be provided by the existing established access point onto Drummond Avenue, which is of an appropriate standard to serve the proposed development. Although reference has been made to the current characteristics of the use of the public highway, which include it being a cut through onto Church Wood Avenue and with respect to the proximity of the nearby children's nursery, the provision of two apartments and the associated vehicle movements would not have a material impact upon the surrounding highway network. Parking on Drummond Avenue is restricted to permit holders and an appropriate number of parking spaces would be provided on the appeal site. Furthermore, the appeal site has good access to services and facilities and to the public transport network.
20. There was no objection from the Highway Authority to the proposal, and based upon my own observations, I too consider that there would be no harm with regard to highway matters. A representation has suggested that too many parking spaces are proposed and that alternative transport methods should be promoted. However, provision would be made for electric vehicle charging points and cycle storage and this achieves a reasonable balance between providing adequate parking on-site and promoting such interests.
21. The area on which the proposed development would be constructed is not laid out for use as garden space for the existing apartments. The garden that is proposed as part of the layout would provide a reasonably sized area for the residents of the existing and proposed apartments to sit out. In conjunction with the fact that the site is located in an urban situation close to existing amenities, the garden space would meet the needs of the residents of the existing and proposed apartments.
22. Reference has been made to the setting of a precedent for similar development in the surrounding area. However, each case must be considered primarily upon its own individual merits, and I have therefore assessed the appeal proposal on that basis.

Conditions

23. Conditions relating to the submission of the reserved matter of landscaping, the relevant time period for submitting this and for carrying out the development, and a condition confirming the approved plans, are necessary to provide certainty. Although the plans specify that matching materials would be used, a condition requiring that details and samples of external facing materials be submitted to and approved by the Council is both reasonable and necessary to ensure an appropriate visual appearance, given the prominence of the proposed development and its physical attachment to an existing building. This

condition should also include a requirement to submit details of hard surfacing materials, again in the interests of visual appearance.

24. A surface water drainage condition is necessary to ensure that adequate provision is made for the site to be drained, although given the nature of the proposed development this can take a more simpler form than that suggested by the Council whilst still retaining a requirement for the submission and approval of details. A land contamination condition and a condition relating to any importation of soil are necessary to ensure that the development is undertaken in a safe manner. Details of proposed arrangements regarding plant, equipment, materials and vehicles during the construction phase are required to ensure that the development is undertaken in an appropriate manner and does not cause undue disruption.
25. The existing car parking appears to operate on an unallocated basis and it is reasonable that this continues within the reconfigured car park, in the interests of achieving an efficient use of the on-site parking. A condition requiring that the parking area be provided and is hard surfaced is necessary to ensure that the provision for on-site parking is implemented. A condition requiring that two electric vehicle charging points be provided is proportionate to the scale of the development proposed and is necessary in the interests of promoting the use of electric vehicles. A condition requiring the provision of cycle storage is also necessary to promote that form of transport. A condition relating to bin storage is necessary, for the reasons I have set out earlier in my decision.
26. As landscaping is a reserved matter, it is not necessary to impose conditions at outline stage relating to soft landscaping or boundary treatments, as these matters fall under the definition of landscaping in the relevant legislation. The plans submitted clearly show the relationship of the proposed development to the ground level of the existing apartment block and the ground levels on the rest of the site are already established. It is therefore unnecessary to impose a condition requiring details of ground and floor levels.
27. I have reworded and combined the Council's proposed conditions where appropriate, in the interests of precision and to avoid the use of pre-commencement conditions in instances where details are not reasonably required before development begins.

Conclusion

28. For the reasons given above, I conclude that the appeal should, subject to conditions, be allowed.

Graham Wraight

INSPECTOR

Schedule of Conditions

- 1) Details of landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 2407-02B, 2407-03B, 2407-04A and 2407-05.
- 5) No above ground construction of the development hereby permitted shall take place until details and samples of all external facing materials to be used in the construction of the building together with details of the materials to be used on the hard surfaced areas of the site have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved materials.
- 6) The development hereby permitted shall not be occupied until a hard surfaced space has been laid out within the site in accordance with drawing no. 2407-02B for cars to be parked. The space shall thereafter be kept available at all times for the parking of vehicles and shall be made available to the occupiers of the apartments within the red line on drawing number 2407-02B and to their visitors. The car parking spaces shall not be allocated to any individual apartment.
- 7) Notwithstanding the details shown on drawing 2407-02B, the development hereby permitted shall not be occupied until the car parking area has been provided with 2 electric vehicle charging points, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The details to be submitted for approval shall specify the type of charging points, their location(s) and the dimensions of the associated parking spaces. The 2 electric vehicle charging points implemented as approved shall be retained thereafter.
- 8) Notwithstanding the details shown on drawing 2407-02B, the development hereby permitted shall not be occupied until cycle parking facilities have been provided in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The cycle parking facilities implemented as approved shall be retained thereafter.
- 9) Notwithstanding the details shown on drawing 2407-02B, the development hereby permitted shall not be occupied until provision has been made for bin storage in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Bin storage shall thereafter be undertaken in accordance with the approved details.
- 10) The development hereby permitted shall not be occupied until surface water drainage works have been implemented to serve the approved development, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

- 11) No development shall 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. Construction works shall thereafter be undertaken in accordance with the approved details.
- 12) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 7 days of the report being completed and approved in writing by the local planning authority.
- 13) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the local planning authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the local planning authority prior to these materials being imported onto the site.