



Appeal Decision

Site visit made on 28 July 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2020

Appeal Ref: APP/N4720/W/20/3252665

4 First Avenue, Bardsey, Leeds, LS17 9BE

- 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 Graham Watt against the decision of Leeds City Council.
 - The application Ref: 19/01978/FU, dated 29 March 2019, was refused by notice dated 19 November 2019.
 - The development proposed is described as: Alterations to existing dwelling and erection of single dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located in a residential area, comprised of detached houses and bungalows. The loop of road formed by First Avenue and Second Avenue is characterised by its architectural diversity, with a range of house designs, styles and ages present. The materials used are generally stone, brick and render. The roof forms are varied and use a variety of different materials. The houses occupy large plots with a long street frontage. Many of the front boundaries of the properties on First Avenue and Second Avenue are enclosed by high hedges and the gardens frequently contain well established trees. In combination with the detached form of the dwellings and the large plots that they stand on, this results in the street having a green and spacious character. The streets leading off the loop formed by First and Second Avenue are additions from the later part of the Twentieth Century and display a greater degree of homogeneity in the design of the dwellings.
4. The site is presently occupied by a two storey, detached, house with some Arts and Crafts influences in its design. It stands in a mature garden, now becoming overgrown, that like many others in the area contains a number of trees.
5. Whilst the proposal is described in part as 'alterations to existing dwelling', it is clear from the submitted drawings, that little, if any, of the existing house would remain post development and that the external appearance would be

- fundamentally altered. Both the resulting building and the proposed new dwelling would be of a contemporary design with the walls finished in stone and render under a slate roof.
6. The appeal site is not within a conservation area and is not subject to any specific landscape designations. Taken in isolation, the design of the proposed new dwellings is not inherently objectionable. However, when taken together, Policies P10 and P12 of the Leeds Core Strategy 2014 (the Core Strategy), Saved Policy BD2 of the Leeds Unitary Development Plan 2006 (the UDP) and Policy BE1 of the Bardsey cum Rigton Neighbourhood Plan 2017 (the BcRNP) expect new development to be of a size, scale, design and layout that is appropriate to its context and conserves and enhances the distinctiveness of the local townscape or landscape. Saved Policy GP5 of the UDP is a general policy that seeks to ensure that development proposals address a number of detailed matters, including design. The Council's Neighbourhoods for Living Supplementary Planning Guidance (the SPG) sets out more detailed design guidance which is to be read alongside the general design policies in the development plan and also expects, amongst other matters, that new buildings should respond positively to the local context. The National Planning Policy Framework, (the Framework) also seeks to ensure that new development is visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, whilst also encouraging, where appropriate, increased densities and optimising the potential of the site to accommodate an appropriate amount of development.
 7. Although a Design and Access Statement and a Planning Statement have been submitted, the drawings in the design and Access Statement relate to a different iteration of scheme. Whilst there are some context images and some examples of contemporary design that have inspired the scheme in the Design and Access Statement, there is no written analysis of the area, nor any explanation of the design evolution of the scheme and how it relates to its context. Consequently, it is not clear how the current proposed design solution for the site was arrived at and how it is intended to relate to its context.
 8. I have noted that the Council has previously granted planning permission for extensions to the existing house in a similar contemporary style that would result in a built form similar in extent to the appeal proposal. Nonetheless, this previous proposal would result in form of development that would appear as a single dwelling house on a large plot with a wide frontage. This would reflect the present built form and character of the area. The appeal proposal would result in the subdivision of the plot and a built form comprising of two dwellings with much narrower plot frontages than is typical in the area, which would not be consistent with the prevailing built form and layout. There is no evidence before me that would indicate that increasing the density of development in this area would be appropriate given the location of the appeal site in relation to shops, services, and employment opportunities, and the relatively low level of public transport connectivity.
 9. Subdivision of the site would result in the principal wall of the building on Plot A being located on the common boundary with the adjacent new dwelling, which would also be atypical of built form of the area. I have had regard to the appellant's comments in respect of the close spacing of some of the dwellings in the area. Nevertheless, I saw when I visited the site that this arrangement is infrequent. I noted that the relationship between numbers 1 and 1b First

Avenue and numbers 10 and 12 Second Avenue (referred to as 12 and 14 in the appellant's evidence) appears as particularly close and unusual in the overall context, and that this was not characteristic of other dwellings in either of the streets. These plots do, however, maintain a long street frontage which is characteristic of the area and would not be replicated by the appeal proposal. As a result of the plot layout and increased density, the proposed development would appear cramped and inconsistent with the prevailing form of the surrounding area. I find that this would cause harm to the character and appearance of the area.

10. The appeal site contains a number of established trees. Several of these are relatively low fruit trees. In addition to these, there is a large Beech tree on the site frontage, identified as T1 in the accompanying documents, and towards the rear of the site, a tall Lawson Cypress, a further Beech tree and a slightly smaller Pine tree, identified as T7, T8 and T9 respectively. Although not covered by a tree preservation order, as a result of their height and in combination with trees within adjoining gardens, these trees contribute towards the green and spacious character of the area by providing a backdrop to the houses. Due to the slope of the street, these trees to the rear of the site are visible from the northwest over the lower roof of the bungalow adjacent to the appeal site.
11. I have been provided with a Tree Survey, Arboricultural Impact Assessment and an Arboricultural Method Statement. I have also noted the comments of the Council's Landscape Team which raised concerns in respect of the proposal. The Arboricultural Method Statement that I have been provided with contains, and is based on, plans for the earlier scheme to extend the current house, and it is not clear if the impact assessment relates to the present proposal or to the previous proposal. From the Design and Access Statement, the house on Plot B would be closer to the existing trees on the boundary than the approved extension. It is also unclear whether soil removal would be required to accommodate this, as the site level rises to the boundary to the side of the existing house, and how this would impact on the trees that it is stated would be retained.
12. In addition, there are few details on how the proposed area of no-dig hardstanding would be designed and implemented in relation to existing site levels. Due to the overgrown nature of the front garden at the time of my site visit, it was not possible to determine the precise extent or composition of any existing hardstanding areas, or if this is as extensive as suggested on Drawing Number (418)1812-GWP-01-00-DR-A-(PA)-0032 Revision P04.
13. Although I have noted that the Arboricultural Impact Assessment sets out that the excavations for the proposed new buildings and the area covered by no-dig driveway would cover 4% and 9% respectively, from the evidence I have, this does not relate to the current iteration of the scheme. It is also not clear whether the impact assessment takes into account that the root system of the large Beech tree (T1) may be constrained by the presence of the footway and carriageway of First Avenue or other areas of hardstanding within the curtilage.
14. In the context of the above, I am not satisfied that the submitted Arboricultural Impact Assessment and Arboricultural Method Statement accurately assess the effect of the development or would ensure the long term survival of the trees which it is stated would be retained as part of the development. In addition to

this, no design justification is given for the removal of the Beech and Pine tree, referred to as T8 and T9 in the arboricultural information, although it is stated in the Method Statement that their removal is required to allow for development.

15. The evidence that has been provided does not demonstrate that the site can be developed in the manner proposed without causing harm to the existing trees that it is stated will be retained, in particular the large Beech tree at the front of the site (T1). The size and prominent position of this tree make it an important feature in the street scene. No design rationale has been provided for the removal of trees T8 and T9, which although located towards the rear of the site, due to their height, contribute to the verdant character of the area. I accept that none of the trees in question are the subject of a tree preservation order, nevertheless, the loss of these adds to my concerns regarding the effect of the development on the character and appearance of the area when considering the proposed development as a whole.
16. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Policies P10 and P12 of the Core Strategy, UDP Saved Policies BD2 and GP5, Policy BE1 of the BcRNP, and the SPG.

Other matters

17. It is suggested that the previous planning permission for extensions and alterations to the current house on the appeal site represents a fallback position and it is stated that this permission, which is still extant, would be implemented if the appeal fails. I have set out under the main issues that the proposed extension, although of a contemporary design, would maintain the predominant built form of the area and would be perceived as single large dwelling occupying a substantial plot, which overall would result in a neutral effect. A fallback position is capable of being a material consideration that would weigh in favour of a proposal when the effect of the previously permitted development would be the same as, or more harmful than, the development currently proposed.
18. In this case, I have found that the appeal scheme would cause harm to the character and appearance of the area and as such would have a greater effect than the proposed extension. Consequently, I give little weight to the suggested fallback position.

Conclusion

19. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR