



Appeal Decision

Site visit made on 15 September 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/N4720/W/20/3254180
31 Station Road, Methley, Leeds LS26 9ER

- 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 Jim Wheatley against the decision of Leeds City Council.
 - The application Ref: 19/04572/FU, dated 12 July 2019, was refused by notice dated 18 February 2020.
 - The development proposed is the erection of one dwelling and associated access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling and associated access at 31 Station Road, Methley, Leeds LS26 9ER in accordance with the terms of the application, Ref:19/04572/FU, dated 12 July 2019, subject to the conditions set out in the schedule attached.

Procedural Matter

2. The development proposed was originally for five dwellings. During the determination of the application it was reduced to one dwelling. The description of the development was changed with the appellant's agreement. I have used the revised description as stated in the Council's decision notice and the appellant's planning appeal form in the banner heading above and determined the appeal on that basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and,
 - The effect of the proposal on the living conditions of occupiers of Nos 19-25 Station Road, with regard to privacy and outlook.

Reasons

Character and appearance

4. The appeal site is located at the rear of a short terrace of two-storey houses, Nos 19-29 Station Road. The site forms part of the large domestic curtilage of the host property, No 31 Station Road, which is a detached two-storey property, set well back from the highway. The site is mainly grass but also used in part for growing flowers and vegetables. It is bounded by a

combination of hedging, small trees and post and rail fencing. The land to the north of the site is within the Green Belt.

5. The area comprises a mix of detached, semi-detached and terraced, single-storey and two-storey residential properties that are situated within different sized plots. The properties are generally constructed of brick or brick and painted render with slate or tiled roofs. The differences in size, scale, form and position of the properties in relation to each other and to Station Road, give visual variety to the street scene. While the consistent materials provide a degree of uniformity. These elements contribute to the character and appearance of the area.
6. The proposal is for a single, detached, two-storey, two-bedroom dwelling constructed of brick with a tiled roof. Access to the property would be gained via a route created between Nos 29 and 31 Station Road.
7. I recognise that the site provides an open green setting to the existing built form on this side of Station Road adjacent to the Green Belt. The introduction of built form within the space would inevitably diminish its undeveloped nature and spatial characteristics to some degree. Nonetheless, no substantive assessment or evidence has been provided which confirms that, in itself, the site makes a valuable contribution to the visual, historic and/or spatial character of the area.
8. Whilst the proposal would be backland development, this type of development is present within the wider area and, in this instance, the proposal would not extend beyond the northern boundaries of the domestic curtilages of adjacent properties to the east and west of the site. In addition, as the proposal is for a single dwelling with open space to all sides, the building would not appear cramped or be an overly intensive form of development within the site. In these respects, it would not wholly erode the spacious nature of the site and would be in keeping with the spatial and visual characteristics of the area.
9. Moreover, the proposed dwelling's size, scale, massing, design and materials, would respect and complement its context and allow it to integrate into the backdrop of the built form of the village.
10. I acknowledge that the proposal would be visible in views from adjacent green space to the west and from trains on the trainline to the east. However, the building's prominence in the street scene would be minimal when viewed from Station Road. Additionally, visibility does not automatically equate to harm. Although the proposal would add to the existing built form of the village, it would have a localised visual impact and would not constitute a discordant visual intrusion that would unacceptably harm the character or appearance of the area.
11. I note the Council's reference to conflict with Policy N24 of the Leeds Unitary Development Plan (Review 2006) (LUDP) which, the Council asserts, seeks to ensure that a green buffer (usually 10m) is provided between built development and the Green Belt. However, I cannot find any reference in the evidence submitted which states that where development proposals abut the Green Belt, the required 'assimilation into the landscape' must include a green buffer, particularly one of 10m.

12. Taking the above into account, I conclude that the proposal would not have a harmful effect on the character and appearance of the area. As such, it would not conflict with Policies H2 and P10 of the Leeds Core Strategy (2014) (LCS) which, amongst other things, state that greenfield land should not be developed if it makes a valuable contribution to the visual, historic and/or spatial character of an area; and requires new development to provide good design that is appropriate to its location, scale and function. It would also accord with Saved Policies N24 and GP5 of the LUDP insofar as they state that proposals which abut the Green Belt should achieve assimilation into the landscape; and that development proposals should resolve detailed considerations.
13. The Council also cites conflict with associated design guidance of Policy GP5 of the LUDP, but no reference to any particular document is provided. Therefore, I am unable to give this any weight.

Living conditions of occupiers of Nos 19-25 Station Road

14. There is some ambiguity between the Council's second reason for refusal and its delegated report as to which properties and their occupiers on Station Road the proposal would have an effect on. Having regard to the submitted evidence, I have considered the effect of the proposal on the living conditions of occupiers of Nos 19-25 Station Road (Nos 19-25).
15. The proposed dwelling would be positioned a minimum of approximately 12m away from the terraced properties along Station Road to the south. The first floor windows on the south and west elevations of the proposed dwelling would have direct or oblique views towards the rear elevations of Nos 19-25. The first floor window on the south elevation would serve a landing area and would have obscured glazing. Of the first floor windows on the west elevation, one would serve a dressing room and would have obscured glazing, and the other would be a secondary window serving a bedroom which the appellant has confirmed could have obscured glazing.
16. I acknowledge that this situation would give rise to some perceived overlooking into habitable rooms and the private amenity spaces at the rear of Nos 19-25. However, given the separation distance between the proposed dwelling and the terrace, combined with the location and number of windows in the south and west elevations of the proposed dwelling, any perceived overlooking would be negligible. As such, the proposal would not result in a harmful loss of privacy to occupiers of Nos 19-25.
17. Furthermore, taking into account the proposed dwelling's distance from the rear of the terrace along with its orientation and modest size, scale and massing, I consider that it would not be unduly overbearing or oppressive when viewed from the rear windows of Nos 19-25. On this basis, it would not diminish the outlook of occupiers of Nos 19-25 to a harmful degree.
18. As a result, I conclude that the proposal would not have a harmful effect on the living conditions of occupiers of Nos 19-25, with regard to privacy and outlook. Consequently, it would not conflict with Policy P10 of the LCS which, amongst other things, requires development to provide good design that is appropriate to its location, scale and function. It would also comply with Saved Policies GP5 and BD5 of the LUDP insofar as they require that development proposals

should seek to avoid problems of loss of amenity; and be designed with consideration given to both their own amenity and that of their surroundings.

19. The Council's delegated report also asserts that the proposal would not provide a reasonable level of living conditions for future occupiers of the new dwelling, with regard to privacy and the provision of outdoor amenity space. However, these are not explicitly referred to in the second reason for refusal. The proposal would allow some overlooking from first floor windows in the rear elevations of Nos 19-23 Station Road into the outdoor amenity space of the proposed dwelling. However, given the separation distance between the terrace and the proposed garden area, this would not be so significant that it would cause a harmful loss of privacy to occupiers of the new dwelling and adversely affect their enjoyment of the space. Furthermore, I consider that the size of the proposed gardens are adequate for a two-bedroom property.

Other Matters

20. In reaching my decision I am aware that the Council has in excess of a five year housing land supply. However, I note that Policy H2 of the LCS supports new housing development on non allocated sites subject to certain criteria which, for the reasons given above, I consider that the proposal complies with.
21. I note the comments made by a neighbour in relation to the effect of the proposal on their privacy when the proposed dwelling is accessed and on their outlook with regard to the location of a proposed tree. Conditions requiring the appellant to submit details of boundary treatment and landscaping would enable these aspects of the proposal to be controlled in order to mitigate and/or address these concerns.
22. The appeal site is located in the vicinity of the suspected medieval period settlement of Woodrawe which is a class III area of archaeological interest¹. There are also other features of archaeological interest in the area. West Yorkshire Archives raised no objections to the proposal subject to the inclusion of a condition requiring the preparation and submission of a written scheme of archaeological investigation (WSI) and I agree.

Conditions

23. Despite being given the opportunity to do so, the Council did not provide any suggested conditions in the event of the appeal being allowed. In the absence of any suggested conditions, upon request, the appellant provided a copy of draft pre-commencement conditions which were prepared by the Council during the determination of the application. I have considered these and other conditions mentioned in the Council's delegated report in line with advice given in the National Planning Policy Framework and the Planning Practice Guidance. The appellant has given his written agreement to all of the pre-commencement conditions.
24. I have imposed a condition specifying the approved plans as this provides certainty. In the interests of the health of the public and the environment, a condition relating to site investigation and any required remediation measures is necessary. In the interests of flood risk management and to ensure the appropriate and sustainable drainage of the site, conditions relating to the

¹ West Yorkshire Historic Environment Record PRN 4567.

implementation of a drainage scheme, surface water drainage, SUDS and foul water are necessary.

25. In the interests of the living conditions of neighbours, a condition requiring the submission of a construction method statement is necessary. To ensure the conservation and protection of the area/features of archaeological interest, a condition requiring the submission and implementation of a WSI is necessary. In the interests of the visual amenity of the area conditions regarding landscaping and boundary treatments are necessary.
26. To ensure that the external appearance of the development is compatible with its context, a condition relating to materials is necessary. In the interests of the living conditions of neighbours, a condition requiring obscured glazing and limited opening of first floor windows on the south and west elevations of the proposed dwelling is necessary.
27. To ensure the adequate provision of parking facilities, a condition relating to the layout and drainage of the parking area is necessary. In the interests of the promotion of sustainable transport, conditions relating to the provision of an electric vehicle charge point and a cycle storage facility are necessary. To ensure the adequate provision of refuse storage, a condition requiring details of refuse storage facilities is necessary.
28. In the interests of the visual amenity of the area, a condition relating to the implementation and maintenance of the approved landscaping is necessary.

Conclusion

29. For the reasons given above, I conclude that the appeal should be allowed.

F Cullen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan: JWSR-MWA-01-GF-DR-A-0001 Rev P1
 - Proposed Site Layout: JWSR-MWA-01-XX-DR-A-0005 Rev G
 - Proposed House Type D: JWSR-MWA-XX-XX-DR-A-0011a Rev P1
- 3) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary. Therefore, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the local planning authority.

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement

demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the local planning authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

- 4) Development shall not commence until a feasibility study into the use of infiltration drainage methods has been submitted to, and approved by the local planning authority. The study shall contain the results of soakaway tests -carried out in accordance with BRE Digest 365 and an appraisal of various infiltration systems that could reasonably be employed on the site.
- 5) Prior to the commencement of development on site, in order to assess the existing discharge from the site, the developer shall provide details of the existing drainage layouts on the site, together with pipe sizes, gradients and connection points, as well as a plan showing the measured impermeable areas of the existing site.
- 6) Development shall not commence until a drainage scheme (i.e. drainage drawings, summary calculations and investigations) detailing the surface water drainage works have been submitted to and approved in writing by the local planning authority. The maximum rate of discharge, off-site, shall not exceed 4.7 litres per second per hectare, unless otherwise agreed with the local planning authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use.
- 7) No development shall be brought into use/occupied until a SUDS management and maintenance plan for the lifetime of the development, including arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme, has been submitted to and approved in writing by the local planning authority.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) Development shall not commence until a written scheme of archaeological investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/ development shall take place other than in accordance with the

agreed WSI, which shall include the statement of significance and research objectives, and:

The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and,

The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

- 10) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 11) No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall then be constructed in accordance with the approved materials.
- 12) The development shall not be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 13) The development shall not be occupied until the windows at first floor on the south and west elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 14) The development shall not be occupied until the area shown on drawing no. Proposed Site Layout: JWSR-MWA-01-XX-DR-A-0005 Rev G to be used by vehicles has been fully laid out, surfaced and drained in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 15) The development shall not be occupied until a facility for cycle storage has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The approved cycle storage facility shall then be retained permanently.
- 16) The development shall not be occupied until an electric vehicle charge point has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The approved electric vehicle charge point shall then be retained permanently.
- 17) The development shall not be occupied until details of refuse storage facilities have been submitted to and approved in writing by the local

planning authority. The details shall include the location and design of the facilities. The approved refuse storage facilities shall then be retained permanently.

- 18) The development shall not be occupied until details of the position, design, materials and type of all boundary/screening treatment have been submitted to and approved in writing by the local planning authority. The boundary/screening treatment should be erected in accordance with the approved details and shall thereafter be retained for the lifetime of the development.
- 19) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

End of Schedule of Conditions