
Appeal Decision

Site visit made on 17 November 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/N4720/W/20/3258941

38 Brookside, Collingham, Wetherby LS22 5AN

- 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 Steve Flint against the decision of Leeds City Council.
 - The application Ref 20/01760/FU, dated 17 March 2020, was refused by notice dated 15 June 2020.
 - The development proposed is 1 No detached dwelling in the side garden of 38 Brookside.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has raised concerns over the Council's handling of the case particularly in terms of highway matters. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.
3. Third parties have indicated that the appeal site is subject to a covenant that amongst other things requires the retention of the boundary fence. Be that as it may, whilst this may have implications for implementation, I have made my decision based only on the planning merits of the case.

Main Issue

4. The main issues in the appeal are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of the occupiers of No 36 Brookside with particular regard to privacy; and
 - Highway safety.

Reasons

Character and appearance

5. The appeal site lies on the inside bend of a U-shaped cul-de-sac. It forms what was the generous side garden to the host property. Whilst there is variety in the design of the dwellings in the cul-de-sac, semi-detached dwellings are the predominant house type with just the occasional short terrace. Given this, the

detached nature of the proposed dwelling would therefore be an incongruous form of development.

6. The proposal would utilise materials that are consistent with the surrounding houses and the fenestration and porch canopy reflects such features found on nearby houses. However, this part of the cul-de-sac is characterised by houses that are wide but shallow, and in this respect, it differs from the other part of the road. The proposed dwelling would be narrower and deeper than the surrounding houses and given its prominent location, these inconsistent characteristics would be readily seen from the public realm. In addition, the distance maintained to the property at the rear would be less than is found between the other existing dwellings. Consequently, the dwelling would appear out of keeping and as an unsympathetic addition to the street scene.
7. Whilst the dwelling would respect the building line created by the immediately adjacent houses, its position in relation to the bend means its front garden would be shallower and the property closer to the pavement. As such, it would appear cramped. Moreover, the large side gardens found on many of the properties located around the bend of the cul-de-sac gives it a spacious character which the proposal would erode.
8. Therefore, I consider the proposal would unacceptably harm the character and appearance of the area. Accordingly, it would be contrary to Policy P10 of the *Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (adopted September 2019)* (LCS), Policy GP5 of the *Leeds Unitary Development Plan Review 2006 (adopted July 2006)* (UDP) and Policy D of the *Collingham Neighbourhood Plan (made June 2017)* which, amongst other things, seek to ensure that developments respect and reinforce the character of the area and resolve detailed design considerations.

Living Conditions

9. To the rear of the appeal site lies No 36 which is at an angle to, rather than directly facing, the site. The rear elevation of this house has a number of windows. Guidance on the minimum distance to be maintained to boundaries and windows is set out in the *Neighbourhoods for Living Supplementary Planning Guidance (adopted December 2003)*.
10. The Council have indicated that whilst the proposed first floor windows would maintain the required distance to the boundary, the ground floor windows would not. At present the vegetation along the common boundary prevents overlooking from the ground floor windows of the existing dwelling. Despite the shortfall in the distance, a condition could be used to secure boundary treatment was provided that would be able to prevent any unacceptable overlooking from the ground floor windows of the proposed dwelling. Moreover, I observed that the side and much of the rear garden of No 36 were readily visible from the adjacent pavement, and so already have a low level of privacy.
11. The Council have also stated that the distance the dwelling would maintain to the rear elevation of No 36 would also fall below the minimum standard. However, as the first floor window on the nearest part of the dwelling would serve a bathroom window and so would have obscure glazing, and given that No 36 is at an angle to the proposed dwelling, the more limited distance would not cause unacceptable overlooking between the two properties.

12. Consequently, I consider the proposal would not have an adverse impact on the living conditions of the occupiers of No 36 Brookside with particular regard to privacy. Thus, it would not conflict with Policy P10 of the LCS or Policy GP5 of the UDP which, amongst other things, require developments to protect residential amenity.

Highway safety

13. The proposal would have two off-road parking spaces at the rear/side of the dwelling and would create one off-street parking for the existing house to the front of this property. The Council have highlighted that the plan showing the visibility splays for these are inaccurate as they show a 3m wide pavement whereas it is actually only 2m wide. Whilst a revised plan was submitted at the appeal stage with the correct pavement width, these show the necessary splays being dependent on land outside the ownership of the appellant. They would also require much of the side and front gardens to be devoid of the boundary treatments that are characteristic of properties in the road.
14. In the absence of adequate visibility splays, I consider that the proposal would have an unacceptable impact on highway safety. It would therefore be contrary to Policy T2 of the LCS and the *National Planning Policy Framework* which requires the provision of a safe and suitable access.

Other Matters

15. The appellant has argued that the development would make efficient use of the land and provide much needed housing in the area. However, no substantive evidence has been provided to show any specific housing need. Even if this had been shown, the contribution made by one dwelling towards meeting any need would be minimal.

Conclusion

16. Although I have found the proposal would not harm the living conditions of the occupiers of No 36 Brookside, an absence of harm in this regard is a neutral matter and does not outweigh the unacceptable harm it would cause to both the character and appearance of the area and highway safety.
17. For the reasons set out above I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR