



Appeal Decision

Site visit made on 1 December 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/N4720/D/20/3262157

6 Moorland Road, Leeds LS6 1AL

- 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 Planas (Planas Properties) against the decision of Leeds City Council.
 - The application Ref 20/02344/FU, dated 21 April 2020, was refused by notice dated 6 October 2020.
 - The development is a driveway to back of garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. At the time of my visit, the driveway had been installed at the site. As such, I have determined the appeal on a retrospective basis.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Woodhouse - Moorlands Conservation Area (the CA).

Reasons

5. The appeal site comprises a red brick terraced property located within the CA. Houses on both Moorland Road and St. John's Grove back onto Moorland Avenue, a service road for the terraces. The development relates to a concrete parking area at the end of the rear garden of the appeal property.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The National Planning Policy Framework (the Framework) sets out at paragraph 193 that when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to that asset's conservation.

7. While there does not appear to be a formal CA appraisal, from my observations the significance of the CA lies in its Victorian architecture and the pattern of terraced streets which reflects the historic development of the settlement. The Little Woodhouse Neighbourhood Design Statement (NDS) identifies Moorland Road as an imposing public frontage to Woodhouse Moor, although Moorland Avenue is described as an untidy service road.
8. There is a proliferation of off-street parking areas of various materials on Moorland Road. However, I gather many of these were constructed without planning permission and have not been subject to assessment. Moreover, the use of concrete, a non-traditional material, reads as a harsh and unsympathetic surface in a historic setting. In addition, the rear gardens of houses on Moorland Road provide a verdant backdrop to the utilitarian appearance of the parking areas. The harm already caused by the driveways on Moorland Road is evident and allowing further harm in this case would be contrary to the Act, which imposes a duty on the decision maker to preserve or enhance the character or appearance of a CA.
9. The presence of properties with more parking spaces than that proposed in this case, such as the student accommodation highlighted by the appellant, does not alter my assessment, as there are no details before me of the circumstances that led to its approval.
10. I observed that some of the driveways nearby were not as tidy in appearance as the appeal site, and that efforts have been made to reuse bricks to rebuild the wall further up the garden. However, I do not see either matter as a compelling reason to remove sections of greenery that comprised a positive element of the street scene and replace it with an unsympathetic material. The lack of objection to other off-street parking areas at similar properties owned by the appellant does not have any bearing on the case before me, which I have assessed on its own merits.
11. The harm that would arise would be localised and therefore, in terms of the approach in the Framework, the harm to the CA as a whole would be less than substantial. Paragraph 196 of the Framework states that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal.
12. The parking area would help to alleviate on-street parking pressure in the area, which I observed to be high. It would also provide these facilities to users of the flats in the property. However, this would be of limited benefit and as such the public benefits of the appeal scheme would not outweigh the harm identified.
13. The Council has further concern that two trees have been removed to facilitate the parking area without consent. However, from the historic images provided by the appellant neither of the trees appear to have been located in the parking area. I understand that the Council is seeking to ensure provision of replacement planting. While the loss of trees is unfortunate, this is not a matter for me to determine in the context of this appeal.

14. To conclude, the driveway neither preserves or enhances the character or appearance of the CA, contrary to the statutory requirements of the Act. It would also be contrary to policies P10, P11 and P12 of the Leeds City Council Core Strategy, GP5, BD6 and N19 of the Leeds Unitary Development Plan (review) and advice contained in the Framework. These policies seek to ensure the historic environment will be conserved and enhanced.

Other Matter

15. The Council expresses concern in the officer report that the driveway will lead to an increase in surface water run-off resulting in drainage issues. However, this is not part for the reason for refusal and there is no substantive evidence before me on the matter. Accordingly, I have not considered it further.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR