
Appeal Decision

Site visit made on 27 April 2021

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2021

Appeal Ref: APP/N4720/W/20/3262448
Clarence Road, Horsforth, Leeds LS18 4LB

- 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 Mandale Homes against the decision of Leeds City Council.
 - The application Ref: 20/05273/FU, dated 21 August 2020, was refused by notice dated 15 October 2020.
 - The development proposed was originally described as the 'relocation of plot 9 bin and cycle store area (retrospective)'.
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Decision

1. The appeal is allowed and planning permission is granted for a bin and cycle store area at Plot 9, Clarence Road, Horsforth, Leeds LS18 4LB in accordance with the terms of the application, Ref: 20/05273/FU, dated 21 August 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1:1250, Drawing No: 1845/P901 Plot 9 Site layout.

Procedural Matters

2. The appellant's submissions include photographs of the development that has taken place and this accords with what I observed on my site visit. I also note that both main parties have described the development as retrospective. I have, though, based my decision on the submitted plans showing the proposal as they were before the Council at the time of its decision and are for my consideration. In the event that the plans do not entirely reflect what is envisaged as regards bin and cycle storage, this is a matter for the main parties.
3. The description of development in the banner heading above is taken from the planning application form. The description that I have used in my decision paragraph is also made on that basis, also having regard to the Council's description on the decision notice. It excludes matters that do not relate to the act of development. For similar reasons, I have included the plot number in the address rather than in the description in my decision.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 19 and 21 Newlaithes Gardens (Nos 19 and 21) by way of outlook, visual impact, noise, disturbance and odour.

Reasons

5. The appeal site comprises part of a recently developed housing site. It lies at the end of a short private drive which accesses a number of houses and apartments. A structure which relates to the position of the cycle store on the submitted plans is in place. It has a largely timber finish and faces towards the end of the private drive with paving to the front. The sides of this area are enclosed by fencing which is abutted by landscaping. There is car parking to the front.
6. To the rear is a low stone wall and, for the most part, high boarded fencing. The rear gardens of Nos 19 and 21 adjoin this shared boundary. The rear gardens and associated areas are used for general domestic outdoor enjoyment, including outdoor dining. The associated houses at Nos 19 and 21 with their rear facing windows are well set back from this boundary.
7. The nearest part of the proposal to the boundary is the cycle store structure. It is fairly diminutive and is largely screened to the rear by the high close boarded fencing. The separate refuse bin storage structure, as shown on the submitted plans, would also be relatively modest in size and mainly screened by the boundary fencing. It would also be set in further from the boundary. Thus, the effect on the outlook and the visual impact from the rear garden areas of Nos 19 and 21 would not be unacceptable, as well as from the rears of the houses themselves.
8. Both the cycle and the refuse bin stores would be ancillary domestic structures that would be used by the occupiers of one dwelling. The associated level of noise and disturbance would not be untypical for a residential area and be most likely moderate, even with the proximity to the shared boundary.
9. A number of the submissions appear to indicate that the cycle store structure is also being used for refuse bin storage. Whilst I am not unsympathetic to the neighbouring occupiers in this regard due to the proximity to the boundary and the potential for smell and vermin, this is not for my consideration as it is not what is shown on the submitted plans. As I have set out above, this would be a separate matter for the main parties.
10. The Council has made me aware that a tree was due to be planted in this area to soften the effect on these neighbouring properties. Notwithstanding that the remaining areas of this part of the site would still be landscaped, for the reasons that I have set out above, the proposal would not be visually unacceptable.
11. I do agree with the Council that the former garage on the site has a limited bearing because the redevelopment has already taken place. The same applies, though, with regard to other such structures that are found on this housing development and who would have been aware of their location, as well as the rationale for the proposal not being sited to the front of the host property. This is because where the proposal is to be sited is to be treated on its own merits.

12. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of Nos 19 and 21 by way of outlook, visual impact, noise, disturbance and odour. As such, it would comply with Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) and with Saved Policy GP5 of Leeds Unitary Development Plan (Review 2006) where they are concerned with protecting the visual, residential and general amenity of the area, and that the proposals should seek to avoid problems of environmental intrusion, loss of amenity and pollution, amongst other considerations.

Other Matters

13. With the height and size of the proposal, overshadowing of the neighbouring properties and their rear gardens would not occur to an untoward degree. With regard to privacy, there is screening and the use of the proposal would likely be occasional. It would not be unacceptable in these respects.
14. The site lies within the Newlay Conservation Area. The special interest of this part of the conservation area consists of large Victorian era villas and noticeable amounts of vegetation. Sandstone is a common building material, as with the wall on the boundary of the appeal site. As the wall is to be retained and with the modest size of the proposal, it would not impinge on the significance and so it would preserve or enhance the character or appearance of the conservation area.

Condition

15. As works have already taken place, a condition concerning the statutory timescale for commencement is not necessary. In order that the planning permission reflects the submitted plans for the purposes of certainty, a condition is imposed concerning the approved plans.

Conclusion

16. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the condition.

Darren Hendley

INSPECTOR