The Planning Inspectorate

Appeal Decision

Site visit made on 15 March 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/N4720/W/20/3264439
The Old Chapel, New Bank Street, Morley, LS27 8NA

- 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 GGHS Reid Ltd against the decision of Leeds City Council.
- The application Ref 20/05527/FU, dated 28 August 2020, was refused by notice dated 9 November 2020.
- The development proposed is 4 No New build dwellings.

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.

Main Issues

3. The main issues are:

   - the effect of the proposal on the character and appearance of the area;
   - the effect of the proposal on the living conditions of the occupiers of Nos 24 to 28 New Bank Street, with particular regards to outlook and light; and
   - the effect on highway safety, with particular regard to whether the development provides adequate provision for car parking.

Reasons for the Recommendation

Character and appearance

4. The appeal site comprises a vacant plot of land that is the former site of a Methodist chapel. New Bank Street is a residential street with a few commercial units at its western end. The street is largely characterised by 19th century stone-built terraced housing that have large windows, often with decorated stone surrounds and small front gardens with low boundary walls. The rooflines of the properties are stepped down to follow the slope of the street.There are some more modern houses in the street, including a terrace of four dwellings opposite the appeal site and a group of semi-detached dwellings further down the street. Notwithstanding those modern interventions, which are not generally sympathetic to the traditional design of the terraced street, the

prevailing pattern remains one of well-balanced, attractive, terraced properties, set behind small front gardens, with on-street parking.

5. The rooflines of the properties in the proposed terrace would step down to each other in keeping with the existing properties in the street. However, the properties would have an asymmetrical roof slope, with the ridge set back to allow habitable space in the roof. As a result, the front roof slope would be much larger than the existing properties in the street. The proposed terrace would have relatively small windows and a resultant expanse of bare brick, in contrast to the large windows and balanced elevations of traditional terraced properties. The terrace would also be set further back from the street to accommodate off-street parking. The presence of parked cars would visually dominate the ground floor frontage, in contrast to the prevailing pattern of on-street parking, and the dwellings would have hard landscaping to the front instead of the soft landscaping found elsewhere in the street. All of these features would be out of keeping with the surrounding properties and would detract from the street scene.

6. The integral garages would also be at odds with the properties in the street, most of which have no off-street parking provision, particularly those in the immediate vicinity. I note that the more modern semi-detached properties further down the street have driveways and integral garages, however these do not blend in with the character of the street and the proposed driveways and garages would be a further incongruous addition to the street scene.

7. The proposed terrace would be finished in brick, which would be at odds with the 19th century stone-built dwellings but would be in keeping with the more modern terrace opposite and semi-detached dwellings further down the street. The appellant has suggested that a condition could be added that requires the submission of details of the materials to the Council prior to the commencement of the development. While this may ensure that the exterior materials are acceptable to the Council and in keeping with the street scene, it would not mitigate the harm that would be caused by the design and appearance of the dwellings as identified above.

8. For these reasons, the proposal would cause significant harm to the character and appearance of the area and as such would be contrary to Policy P10 of the Leeds Local Plan Core Strategy (Review 2019) (CS), which requires new development to provide high quality design that is respects the existing street and the character of surrounding buildings. Furthermore, the proposal would not accord with paragraph 127 of National Planning Policy Framework (the Framework) which states that developments should be visually attractive and sympathetic to local character.

Living conditions of the occupiers of the neighbouring properties

9. Nos 24 to 28 New Bank Street are situated to the east of the appeal site. The properties are back-to-back houses, with Nos 24 and 26 facing the street and Nos 28 and 30 facing to the south. Nos 24 and 28 are immediately adjacent to the appeal site boundary.

10. The proposed terrace would be set in slightly from the boundary with Nos 24 and 28, however the terrace would be set back from the street and thus would project beyond the front elevation of No 28. Being a back-to-back property No 28 only has windows on the south-facing elevation, which face the garden

area. While the 45-degree line from No 28 may not be breached, the rear of the terrace would have the appearance of a four-storey building given the asymmetrical roof. This roof form also results in a larger gable wall towards the rear of the property compared to the front of the property, and this part of the gable wall would be closest to the boundary with No 28. As a result of the scale and massing of the gable wall in such proximity to the sole windows and garden area of No 28 would have an overbearing impact and would result in an undue sense of enclosure to No 28.

11. The 'Arboricultural Impact Assessment Rev b' was submitted by the appellant in support of this appeal. Although the number and type of housing varies to the appeal scheme, the location and asymmetrical roof design of the property nearest to No 28 is consistent with the appeal proposal. This drawing shows that the existing sycamore tree and cherry laurel bush adjacent to the boundary with No 28 would be removed. A cypress hedge, which according to the drawing appears to be on No 28's side of the boundary, would be retained, although the hedge could be cut down or removed at any time. As such, the presence of the cypress hedge would not be sufficient to provide adequate screening of the proposed terrace to the residents at No 28.

12. Due to the set back of the proposed terrace from the street, the terrace would have no effect on the living conditions of Nos 24 and 26. Furthermore, the terrace would have no significant impact on the living conditions of No 30 given the distance of the terrace to that property.

13. For these reasons, the proposal would cause significant harm to the living conditions of the occupiers of 28 New Bank Street and as such would be contrary to Policy P10 of the CS and Policy GP5 of the Leeds Unitary Development Plan (Review 2006), which both seek, amongst other things, to protect the residential amenity of neighbouring properties.

Car parking provision

14. The majority of properties on New Bank Street have no off-street parking. As a result a large number of cars park on the street, particularly at the western end of the street by the appeal site. At the time of my site visit there were very few spaces available for on-street parking, and local residents testify to significant competition for parking spaces in the area. Based on the evidence before me I have no reason to doubt those comments are an accurate reflection of the situation in the area. The proposal would result in the loss of several on-street parking spaces to the front of the site, and the appellant states that five spaces would be lost.

15. Each dwelling would have a driveway for one car and an integral garage. However, the garages would not meet the size standards set by the Council and as such they may not be suitable for both car parking and storage, including the storage of bicycles. It is therefore likely that some or all of the properties would not use the garages for car parking, which could result in additional cars parking on the street. This, combined with the displaced cars that currently park on the street in front of the site, and the number and scale of proposed dwellings, would exacerbate the current high levels of on-street parking to the detriment of road users and the residents of the properties.

16. The appeal site is within walking distance of bus stops, Morley railway station and the town centre, although the pavement is steeply sloped in places which

would not be ideal for all pedestrians. Nevertheless, while the proximity of these services may reduce car usage it is no guarantee that car ownership would similarly be reduced, particularly for four-bedroomed dwellings. Therefore, in this case the proximity of public transport and the town centre does not justify lower off-street car parking provision.

17. For the reasons above, the proposal would fail to provide adequate car parking provision and as such would be harmful to highway safety. The proposal would therefore be contrary to Policy T2 of the CS, which requires adequate car parking provision for new developments. Furthermore, the proposal would conflict with paragraph 109 of the Framework, which states that development should be refused if there would be an unacceptable impact on highway safety.

Planning Balance and Conclusion

18. The Council can demonstrate a 5-year housing land supply and as such the development plan is considered to be up-to-date and its policies, and any conflict with these policies, are afforded significant weight.

19. The provision of four additional units would make a small contribution to the Council's housing supply. Economic advantages would also arise from the construction and occupation of new housing. Furthermore, the proposal would see the redevelopment of an unsightly plot of land. However, these benefits would not outweigh the harm identified.

20. Paragraph 68c of the Framework states that the development of windfall sites should be supported and great weight should be given to the benefits of using suitable sites for homes, and this is a material consideration in this case. However, planning law[1] requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

21. The Council has declared that the principle of housing on the site is acceptable. However, the proposal would cause significant harm to the character and appearance of the street, to the living conditions of the residents at No 28, and to highway safety. The proposal would be therefore contrary to the development plan and this conflict is not outweighed by other material considerations.

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

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

[1] Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004.

INSPECTOR