
Appeal Decision

Site Visit made on 16 August 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/N4720/D/21/3275597

24 Thorp Arch Park, Thorp Arch, Wetherby, LS23 7AN

- 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 Miss R Holt against the decision of Leeds City Council.
 - The application Ref 20/07993/FU, dated 2 December 2020, was refused by notice dated 27 January 2021.
 - The development proposed is proposed removal of shipping container and erection of front and side extensions and associated works and infrastructure.
-

Decision

1. The appeal is dismissed insofar as it relates to the first floor side extension. The appeal is allowed and planning permission is granted for removal of shipping container from front; single storey front/side extension; conversion of existing garage to workshop and habitable room at 24 Thorp Arch Park, Thorp Arch, Wetherby, LS23 7AN in accordance with the terms of the application, Ref 20/07993/FU, dated 2 December 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed plans, sections and elevations 29 October 2020 so far as relevant to that part of the development hereby permitted.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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 Matters

3. The description of development set out in the Council's decision notice differs from that in the banner heading above, which is taken from the application form. In the formal decision above I have used the description from the decision notice as it more accurately describes the appeal proposal.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the

revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the Thorp Arch Conservation Area (CA).

Reasons for the Recommendation

6. The appeal property is located within the Thorp Arch Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The significance of the Conservation Area is derived from the historic origins and development of the settlement as an estate village. Thorp Arch Park is a later addition to the village and is dominated by mature gardens and detached houses set back from the road, providing a sense of openness and spaciousness.
7. The proposed first floor side extension as a result of its design, bulk and massing would not appear as a subordinate extension to the dwelling. In addition, the hipped roof would not reflect the existing roof on the host property and would not be sympathetic to the dwelling's design, or indeed other dwellings in the locality. Moreover, the proposal would close the gap between the neighbouring property which is an important characteristic of the area.
8. For the above reasons, the first floor side extension would be harmful to the character and appearance of the area. Accordingly, it would neither preserve or enhance the character or appearance of the CA. Consequently, the development would not meet the statutory tests set out in the Act and would conflict with Policies P10, P11 of the Leeds Core Strategy (2014), saved policies GP5, BD6 and N19 of the Leeds Unitary Development Plan Review (2006) and Policy BE1 of the Thorp Arch Neighbourhood Development Plan 2017 - 2028. Amongst other things, these seek to ensure that development respects the scale, form and detailing of the original building, preserves or enhances the character or appearance of Conservation Areas and respects the character of the area. It would also conflict with the guidance in the Householder Design Guide (SPD), the Village Design Statement Thorp Arch Parish Plan (TAPP) and Thorp Arch Conservation Area and Management Plan (CAMP) which have similar aims.
9. The development affects only part of the CA and therefore in terms of the Framework the harm caused to its significance would be less than substantial. The approach in paragraph 202 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. Whilst I acknowledge the appellants' desire for additional bedroom space, this is a private benefit. There are no other public benefits advanced in this case

and accordingly the proposal conflicts with the conserving and enhancing of the historic environment aims of the Framework.

10. The proposed single storey front extension would be set back from the road retaining a substantial area of the front garden and would have a similar relationship to the road to nearby similarly designed front extensions.
11. The front extension's roof would be similar in design to the host property with side facing gables. Whilst it would obscure part of the front elevation of the dwelling, I find that the flat roof between the front wall of the dwelling and the new pitched roof would ensure that the upper floor windows would be visible such that harm to its appearance would not result. Moreover, whilst the position of the front door would be altered the dwelling is not so symmetrical on the front elevation that this would be a noticeable change, particularly given the offset driveway position.
12. Whilst the front extension would be close to the boundary with 26 Thorp Arch Park and would sit forward of it, I am satisfied that there would be sufficient distance between the extension and the road such that it would not appear unduly prominent in the streetscene. This aspect of the proposal would not harmfully erode the open and spacious characteristics of the locality.
13. Given my findings I conclude that the front extension would be in keeping with the character and appearance of the area in terms of its design and proportions and would preserve the character and appearance of the CA. In this respect this aspect of the proposal complies with Policies P10 and P11 of the Leeds Core Strategy (2014), saved Policies GP5, BD6 and N19 of the Leeds Unitary Development Plan Review (2006) and Policy BE1 of the Thorp Arch Neighbourhood Development Plan 2017 - 2028. The proposal also complies with the design and character aims of the SPD, the TAPP and the CAMP.

Other Matter

14. I note the reference to a previous appeal. I have not had sight of this but from all I have read it would appear that the proposal before me is substantially different to the previous appeal and therefore I am not bound by the previous decision.

Conclusion

15. I have found that the removal of shipping container from front; single storey front/side extension; conversion of existing garage to workshop and habitable room accords with the development plan and as this aspect of the proposal is severable from the first floor side extension I recommend that a split decision is issued allowing this extension and dismissing the first floor side extension.

Conditions

16. In the interests of proper planning and to provide certainty I have recommended the standard time limit condition and have specified the approved plans so far as relevant to the removal of shipping container from front; single storey front/side extension; conversion of existing garage to workshop and habitable room. A condition requiring the use of materials matching that of the existing building is also necessary to protect the character and appearance of the area.

Recommendation

17. For the reasons given above, and having had regard to all other matters raised, I recommend that in relation to the first floor side extension, the appeal is dismissed, but that in relation to the removal of shipping container from front; single storey front/side extension; conversion of existing garage to workshop and habitable room, the appeal is allowed subject to the conditions above.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I agree with the recommendation.

RC Kirby

INSPECTOR