



Appeal Decision

Site visit made on 24 August 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/N4720/D/21/3276151

2 Quarry Dene Park, Weetwood Lane, Leeds LS16 8HH

- 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 Moulson against the decision of Leeds City Council.
 - The application Ref 20/08425/FU, dated 15 December 2020, was refused by notice dated 11 March 2021.
 - The development proposed is described as proposed extensions and alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published in July 2021. This has replaced the 2019 iteration. Whilst there have been some changes to content and thus paragraph numbers, the substance of the Framework as it relates to the main issues of the case have not changed. I have not therefore sought the views of the main parties since, for these reasons, their respective cases would not be prejudiced. I have proceeded on this basis, given that the Framework is a material consideration in this case.

Main Issues

3. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Weetwood Conservation Area (WCA), including in respect of the protected tree within the site; and
 - The effect of the proposal on the living conditions of occupiers of 3 Quarry Dene Park, with particular regard to privacy.

Reasons

Character and Appearance

4. The appeal property is a detached dwelling which occupies a generous plot that is set back from Weetwood Lane and surrounded by mature landscaping. The appeal dwelling is of a similar design to 1 Quarry Dene adjacent and, despite the verdant setting, glimpses of both properties can be obtained from the public realm and thus their relationship is readily discernible.
5. The site is also located within the WCA whose significance is largely derived from its woodland character in which properties tend to be substantial villas set

- within spacious, landscaped grounds. The appeal property and its setting reflects these characteristics thus it makes a positive contribution to the WCA.
6. The proposal would encroach towards the side boundary of the appeal site and would tightly follow its irregular shape, resulting in a substantial footprint and skewed side elevation. Its considerable length would be fully legible when facing the front of the property and it would therefore appear overly bulky when compared to the host dwelling.
 7. Furthermore, due to its large footprint, the proposal would significantly erode the space to the side which would be readily apparent from the public realm and appear at odds with the prevailing pattern of development in the locality. Therefore, despite its set down ridge line and set-back from the front elevation, due to its massing and footprint, the proposal would appear cramped within its plot and lack subservience to the host dwelling.
 8. The inclusion of dark grey metal cladding to the upper floors would fail to relate well with the predominant use of stone at the host dwelling and adjacent properties, particularly as it covers a significant proportion of the proposed extension. The upper floor of the side elevation would have limited articulation and this lack of relief would cause the cladding to appear even more prominent and unsympathetic to the host property.
 9. The partial loss of the mature boundary hedge and introduction of a lower fence and ivy would allow the upper floor and roof to be readily visible from the public realm. In combination with the awkward roof design, with varying pitched, flat and parapet elements, the contemporary appearance of the proposal would fail to reflect or integrate with the simple form and pitch of the existing property and would also further exacerbate the introduction of the incongruous cladding.
 10. The proposed development would also encroach to within close proximity of a protected mature tree. Due to its substantial size and views which can be achieved of it from the public realm, the tree is an important landscape feature that makes a significant contribution to the verdant character of the area.
 11. Whilst the proposed foundations, which could be controlled via conditions, may minimise any harmful effects on the tree's root protection area, it is acknowledged that the canopy of the tree over sails a considerable proportion of the rear garden, albeit at a considerable distance above ground level. Due to its orientation and the presence of other landscaping, I consider that existing light levels within the garden would generally be low at later times in the evening and in certain months.
 12. Nevertheless, the proposed extension would face south and the lounge and bedroom have been designed with large windows to maximise the amount of direct sunlight reaching those rooms. Taking this into consideration, and the existing degree of overshadowing which is experienced within the garden, as the host dwelling does not conform to the Council's recommended distance of development to trees, I consider that the proposal would introduce no greater pressure to lop, top or fell the tree than currently exists.
 13. Notwithstanding this however, the design of the extension would fail to respect the simple form of the appeal dwelling and its spacious setting. Given the scale of the proposal in context, the harm it would cause to the wider WCA would be

less than substantial. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal. I have not been made aware of any such benefits. The Framework is clear that irrespective of the level of harm, great weight should be given to the conservation of a heritage asset, the WCA in this case.

14. Accordingly, the proposed development would neither preserve or enhance the character and appearance of the WCA. It therefore conflicts with Policies P10 and P11 of the Core Strategy (as amended by the Core Selective Review 2019) Leeds Local Plan (November 2014) (the CS), saved Policies BD6 and GP5 of the Leeds Unitary Development Plan (Review 2006) (the UDP), HDG1 of the Householder Design Guide, Supplementary Planning Document (the SPD), Neighbourhoods for Living, A Guide for Residential Design in Leeds (the NFL), the Far Headingley, Weetwood and West Park Neighbourhood Design Statement (the NDS), the Weetwood Conservation Area Appraisal and Management Plan (August 2010) and the Framework. Whilst varying slightly in their wording, these policies and guidance collectively seek, amongst other things, to ensure that extensions are appropriate to their locality and conserve heritage assets.

Living conditions

15. The proposed first floor balcony nearest 3 Quarry Dene would be slightly angled away from the shared boundary. There is also extensive landscaping along this boundary, through which only very limited glimpses of No 3 and its garden could be achieved, particularly in summer months when landscaping would be in full leaf and when the balcony would be used most. Although landscaping is not permanent, much of it appears to be within the boundary of No 3 and therefore could be controlled and managed by its occupiers.
16. Consequently, this proposal would not harm the living conditions of the occupiers of 3 Quarry Dene. It therefore does not conflict with Policy P10 of the CS, saved Policies GP5 and BD5 of the UDP, HDG2 of the SPD, the NFL, the NDS and the Framework which seek to ensure developments do not harm the amenity of neighbouring residents.

Conclusion

17. Although the proposal would not be harmful to living conditions of neighbouring occupiers, this is a neutral matter and does not outweigh the harm caused to the WCA. The development conflicts with the development plan and there are no material considerations, including the Framework, that outweigh this conflict. Therefore, and for the reasons given above, the appeal should be dismissed.

H Ellison

INSPECTOR