



Appeal Decision

Site Visit made on 28 September 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/N4720/W/21/3280085

38 Brookside, Collingham, Wetherby LS22 5AN

- 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 Steve Flint against the decision of Leeds City Council.
 - The application Ref 20/03995/FU, dated 6 July 2020, was refused by notice dated 29 June 2021.
 - The development proposed is 1 No attached dwelling in the side garden of 38 Brookside.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Accordingly, my decision is made in this context.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. Brookside is a u-shaped residential cul-de-sac street characterised by regularly-spaced, two-storey houses, which are set back from the road behind short front gardens. Apart from a short terrace of three houses on the outside bend, the houses are typically semi-detached. Front boundary hedges, and in a few cases low boundary walls, are a distinctive feature of this part of the street and contribute positively to its character and appearance.
5. No 38 is an end property on the inside bend of the cul-de-sac. It has a generous side garden which provides a sense of spaciousness at this end of the street. As such, the site makes a valuable contribution to the character of the area. In a previous appeal at the site¹, the Inspector found that a proposed detached dwelling in the garden would erode this spaciousness and appear cramped, among other things.
6. It is evident that the current scheme has sought to address the concerns raised previously. The most apparent difference is that the proposed dwelling would now be attached to No 38. It would also match the design, materials and depth of No 38. Given the short terrace opposite and the distance that would be maintained to the roadside and rear boundaries, I am satisfied that the

¹ APP/N4720/W/20/3258941

attached dwelling proposed would not appear incongruous, or unduly cramped within the site. In this regard the proposal can be distinguished from the previous appeal.

7. Nonetheless, by its very nature, the proposal would cause some loss of spaciousness, albeit limited. Moreover, in order to provide the required visibility plays for the proposed parking areas, much of the side and front garden area would have to be kept devoid of vegetation and any roadside boundary treatments that are otherwise characteristic of this part of the street. Indeed, the entire roadside hedge has already been removed to the detriment of the character and appearance of the street scene. The unenclosed open frontage would be highly incongruous in this prominent part of the street. Furthermore, as a result of the open frontage, the new boundary fencing to the rear garden would be unduly prominent and intrusive, despite being set back within the site.
8. Consequently, although I do not share all of the Council's concerns regarding the design and layout of the development, the proposal, when considered as a whole, would detract from, rather than make a positive contribution to the distinctive character of the locality.
9. I conclude that the development would cause unacceptable harm to the character and appearance of the surrounding area. As such, the proposal conflicts with Policies P10 and H2 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019), and saved Policies GP5 and BD6 of the Leeds City Council Unitary Development Plan (Review 2006). Among other things, these require development to respect and enhance the distinctiveness and character of the locality with the intention of contributing positively to it. It is also contrary to Policy D of the Collingham Neighbourhood Plan, which among other things, requires that development proposals incorporate landscaping to mitigate the visual impact of development to ensure that proposals merge into the existing context, and that development reflects the distinct local character in relation to boundary treatments. Furthermore, it does not accord with paragraph 130 of the Framework, which seeks to ensure new development is sympathetic to local character and adds to the overall quality of the area.

Other Matters

10. The government places considerable importance on boosting the supply of housing, and the proposal would deliver economic and social benefits from the construction and occupation of the house in a sustainable location. It would also comply with one of the objectives of the Collingham Neighbourhood Plan to provide smaller and more affordable dwellings in Collingham. However, these benefits arising from one dwelling would be small. Moreover, there is no dispute that the Council can currently demonstrate a 5-year supply of housing. Consequently, I can only give these benefits limited weight.
11. The changes to the scheme following the dismissal of the previous appeal have addressed the Council's concerns in relation to neighbour impact and highway safety. However, the absence of harm in these regards is a neutral matter, not a benefit.

12. Matters regarding the Council's handling of the application and comments made in respect of covenants on the land have been noted, but do not have any bearing on my consideration of the planning merits of the case.

Conclusion

13. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
14. On analysis of the above, the unacceptable harm that would be caused to the character and appearance of the area would not be outweighed by the limited benefits of the development. Thus, the proposal would not accord with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Accordingly, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR