



Appeal Decision

Site visit made on 11 October 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2021

Appeal Ref: APP/N4720/W/21/3279673

19 Cardigan Road, Headingley, Leeds LS6 3AE

- 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 Eldercliff Limited against the decision of Leeds City Council.
 - The application Ref 20/08304/FU, dated 11 December 2020, was refused by notice dated 4 February 2021.
 - The development proposed is change of use from basement to 2 self-contained flats; excavation and alterations to front and rear elevations; creation of bike store, bin store and 7 dedicated car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have determined the appeal on that basis.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the Headingley Conservation Area (the Conservation Area). This is with regard to the design and detailing of the external alterations and potential effects on trees and vegetation at the property. The second main issue is the effect of the proposal on biodiversity interests, climate change and air pollution. The third main issue is the effect of the proposal on the living conditions of existing and future occupiers with regards to garden/outdoor amenity space at the site.

Reasons

Character and appearance

4. This part of the Conservation Area comprises in the main of large Victorian and Edwardian properties. The appeal property forms one of a pair of semi-detached stone-built villas set against a backdrop of mature trees. The scale, form, materials and detailing of these residential buildings along with the trees are among the defining features of the character and appearance of this part of the Conservation Area.
5. The frontage of the appeal property has a prominent and imposing appearance by reason of the low front boundary wall. It has a modestly detailed and well-

balanced frontage and a distinctive pattern of windows across the three floors on the forwardmost part of the front elevation, with window numbers increasing from second to ground floor level. The front elevation makes a positive contribution to the character and appearance of the Conservation Area.

6. Although the proposal to provide an entrance door and windows at basement level would address the brick that has been incorporated into the lower front elevation, it is not particularly prominent. The proposal would however introduce a window and door arrangement that would not follow that existing.
7. Although only the upper sections of these openings would be visible above the excavated amenity space, they would take away from the existing rhythmic window arrangement and would have a cramped appearance. As a result, the proposed arrangement would harm the visual appearance and balance of the property when viewed from the street.
8. To the rear of the property, the proposal would introduce dedicated car parking spaces in very close proximity to well established trees which fall within and sit close to the site. Whilst the plans state that an above ground construction will be used to limit impact on the trees, the intended construction method is not supported by any technical analysis.
9. As such, the evidence does not offer any guarantees that the trees can be maintained in a healthy state as a result of potential construction impacts. There is also the potential for longer-term pressure to remove the trees due to leaf and sap fall given that they would be positioned in close proximity to the car parking spaces.
10. This lack of assurance is problematic given that they form part of the tree cover which contributes positively to the character and appearance of the Conservation Area. Given this, their protection is a fundamental matter and not one which could reasonably be left to a condition.
11. I therefore conclude on this matter that the design and detailing of the external alterations to the front elevation of the building and the potential loss of the trees would detract from the heritage significance of the Conservation Area which lies in part with the form and detailing of its buildings with the backdrop of mature trees.
12. The harm to the significance of the Conservation Area would be less than substantial. Paragraph 202 of the Framework¹ requires such harm to be weighed against any public benefits of the proposal.
13. The public benefits of this scheme would be with the creation of two residential flats. However, the contribution towards the availability of housing would only be very modest given the small scale of the proposals. Given the degree of harm I have found that would arise from the appeal scheme and the statutory protection afforded to Conservation Areas, such benefit is not sufficient to outweigh this harm.
14. In relation to this matter the proposal would therefore conflict with Policies P10, P11 and P12 of the Core Strategy – Selective Review (2019) (CS), Policies GP5, N19 and BD6 of the Leeds Unitary Development Plan (2006) (UDP) and Policy Land 2 of the Leeds Natural Resources and Waste DPD which amongst

¹ National Planning Policy Framework 2021

other things require high quality design that conserves or enhances the historic environment and which is appropriate to the original building as well as the conservation of trees.

Biodiversity/Climate change & air pollution

15. Policy G9 of the CS, relates to biodiversity improvements. Amongst other things it states that development will be required to demonstrate that there will be an overall net gain for biodiversity commensurate with the scale of the development. There is no specified scale of development to which the Policy should not apply.
16. This requirement is also entrenched within National Policy. Conserving and enhancing the natural environment is a key theme within the Framework. Amongst other things, paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. It is therefore a matter which should be afforded significant weight.
17. PPG² defines biodiversity net gain as works which deliver measurable improvements for biodiversity by creating or enhancing habitats in association with development. It states that biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures.
18. Regardless of the existing ecological baseline, some degree of technical input would be needed to assess what measures could reasonably and realistically be provided either at or off the site to offer net gain. Without this, there is no assurance that this matter could be satisfactorily addressed and it would not be reasonable to condition this matter. The proposal in its current form (which would in any case amount to a threat to existing trees and remove a large section of the rear lawn) fails to provide biodiversity net gain. It subsequently fails to accord with Policy G9 of the CS.
19. While it is generally accepted that trees can play a positive role in the prevention of climate change through their absorption of carbon dioxide, taking into account the broader picture, the scale of any potential tree loss on the site would be very limited in this context. There would therefore be no demonstrable harm in this respect.
20. The proposal would not therefore conflict with Policy P10 of the CS where it requires that development protects the general amenity of the area including in relation to air quality.

Living conditions

21. The provision of a more formal parking arrangement to the rear would see the loss of the rear lawn, which would cause some loss to the living conditions of the existing occupiers of the flats.
22. However, the two new flats would be provided with their own outdoor amenity space, and it is indicated that the existing flats would still be provided with areas of outdoor amenity space that would be in excess of the requirement identified within the SPG³.

² Planning Practice Guidance Paragraph: 022 Reference ID: 8-022-20190721

³ Neighbourhoods for living A guide for residential design in Leeds.

- 23. Whilst it is likely that some areas of the remaining space would be more usable than others, overall the provision would still be healthy and would not be likely to have any significant adverse impact on the living conditions of existing or future occupiers.
- 24. The amenity areas for the flats would be well defined and although adjacent to each other there is nothing to indicate that each area could not be enjoyed independently by the respective occupants of the flats.
- 25. The proposal would not therefore conflict with Policy P10 of the CS nor Policy GP5 of the UDP insofar as they seek the protection of amenity in association with new development. I have not identified conflict with SPG guidance.

Other Matters

- 26. I appreciate that there are examples of basement conversions in close proximity to the appeal site. However, I have identified harm as a result of the proposals and they are not an example that should therefore inevitably be followed. I have also noted that hard surfacing has been provided within close proximity to a mature tree close to the appeal site. However, I have limited information on that proposal and any technical information that may have accompanied it. I therefore afford these matters limited weight.

Planning Balance

- 27. The proposal would bring about economic and social benefits through a contribution towards housing provision in an accessible location. However, such benefits should not be achieved at all costs, and I have afforded the harm to the character and appearance of the Conservation Area substantial weight. Further, there would be no biodiversity net gain, a matter that I have afforded significant weight.
- 28. Material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan.

Conclusion

- 29. The appeal should therefore be dismissed.

T J Burnham

INSPECTOR