
Appeal Decision

Site visit made on 20 December 2021

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 7th January 2022

Appeal Ref: APP/N4720/W/21/3284534

St Chads Service Station, 195-199 Otley Road, Headingley, Leeds LS16 5LA

- 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 Valli Ltd against the decision of Leeds City Council.
 - The application Ref 21/01208/FU, dated 9 February 2021, was refused by notice dated 25 May 2021.
 - The development is the retention of a small area of wall to include recycling area and new landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a small area of wall to include recycling area and new landscaping at St Chads Service Station, 195-199 Otley Road, Headingley, Leeds LS16 5LA in accordance with the terms of the application, Ref 21/01208/FU, dated 9 February 2021 and the plans submitted with it, subject to the following condition:
 - 1) The proposed new landscaping shown on drawing no 33 shall be implemented within 6 months of the date of this permission and shall be retained thereafter.
 - 2) The bins within the appeal site shall only be collected between the hours 07:00-19:00 Monday to Friday.

Preliminary Matters

2. Save for the area of new landscaping shown on the proposed plan, the development has already been carried out and I have determined the appeal accordingly.

Main Issues

3. The main issues are the effect of the development on firstly, the character and appearance of the area and, secondly, the living conditions of neighbouring occupiers with regard to outlook and noise disturbance.

Reasons

Character and appearance

4. The appeal proposal relates to a narrow strip of land to the western edge of the forecourt to St Chads Service Station where a small, surfaced bin storage area has been created.

5. The Council allege that the works have had an unacceptable visual impact on the Otley Road street scene and adjacent conservation area. However, having had the benefit of a site visit where I saw the appeal site from multiple viewpoints along Otley Road, I have some difficulty understanding how the Council came to that view.
6. The appeal site forms only a small part of a busy 24-hour service station located immediately adjacent to the heavily trafficked Otley Road. It includes all the facilities and paraphernalia that one would typically associate with a petrol filling station such as illuminated signage, a large canopy, fuel pumps, jet/car washes, a convenience store and car parking. As the appeal site is situated at the far side of the forecourt, it is seen in the background behind the main part of the filling station. As such, the development has an imperceptible impact on the adjacent conservation area, the boundary of which appears to have been drawn to purposely exclude the service station.
7. The Officer's Report refers to the planting scheme approve pursuant to a previous planning permission¹. However, from the information provided, it appears this was never implemented and therefore this scheme does not actually result in its loss. That there might be a more preferable scheme from the Council's point of view, is not to my mind a reason to dismiss this appeal.
8. The Officer's Report goes on to state that the "*lack of planting would not provide adequate screening against the backdrop of the neighbouring residential dwellings, and the Far Headingley Conservation Area*". There are a couple of points here. Firstly, it is not clear to me why those houses to the rear of the service station which are in any event outside the conservation area, need to be screened. That line of argument suggests that views of the service station are in some way harmed by the ability to see the houses to the rear. That is a novel argument and not one that I necessarily follow or can subscribe any degree of weight to.
9. When I visited the site, I found it difficult to gain any meaningful view of the appeal site from Drummond Road due to the presence of built development and a drop in levels. The Council has not directed me to any specific view from Drummond Road or the adjacent conservation area that has been materially harmed as result of the development. Based on the foregoing, I find the Council's concerns about the visual impact of the development to be unconvincing and overplayed.
10. On the first main issue I therefore conclude that there is no conflict with Policies P10 and P11 of the adopted Core Strategy² or the National Planning Policy Framework. There is also no conflict with the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Living conditions

11. Although, the Council's second reason for refusal again refers to the '*removal of planting*', the existing and proposed plans indicate that the appeal scheme does not intend to change to the landscaping along the western boundary³.

¹ LPA Ref: 19/02157/FU

² Full Title: Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan 2014

³ The proposed plan (dwg no. 33) does show a new area of planting would be created to the northern edge of the appeal site.

12. Putting that matter to one side, the Council's concerns appear to be two-fold; firstly, that the existing laurel hedge fails to adequately screen the bin storage area and, secondly, that the existing/proposed landscaping (as opposed to the previously approved but unimplemented scheme) results in an increase in noise and disturbance.
13. In terms of the screening issue, I was able to view the site from the garden of 3a Drummond Road which is the property most directly impacted by the development. The only meaningful view was of the tops of the bins by standing on tiptoes at the boundary fence having fought my way through various shrubs and bushes. Therefore, whilst the bins can be seen from No 3a, it requires a determined effort. The evergreen laurel hedge on the garage side of the fence is likely to mature further in the coming years and will thus provide a formidable visual screen. Accordingly, I do not consider the appeal scheme has or will lead to any appreciable loss of outlook for neighbouring occupiers.
14. I have some sympathy for the occupier of No 3a, to whom the noise from the appeal site might at times be an annoyance. Nonetheless, it has to be borne in mind that the service station likely predates the erection of No 3a and therefore occasional noise and disturbance ought not to come as a surprise. In short, living close to a 24-hour service station does not bring with it a reasonable expectation of tranquillity. Perhaps more significantly, I note that the new storage area is located immediately adjacent to the original/existing bin store as well as an automatic car wash. These, as well as the general noise associated with the various comings and goings associated with a busy 24-hour service station, are likely to generate significantly more disturbance than the noise from the development which in my view is likely to be infrequent and ephemeral.
15. The Council argues that the car wash was only considered acceptable based on the previously approved landscaping scheme. However, that argument along with those relating to the appeal scheme itself are unsupported by any technical evidence or specialist consultee and appear to rest almost entirely on comments made by a neighbouring occupier.
16. It is worth remembering that to carry significant weight, opposition to a proposal should be founded on valid planning reasons, which are supported by appropriate evidence. There is little evidence, technical or otherwise, before me to support the Council's view that the bins and/or any changes to the landscaping along the western boundary, have led to any material increase in noise and disturbance to neighbouring occupiers.
17. In contrast, the Appellant has undertaken a detailed acoustic assessment in accordance with established procedures. This concluded that the noise impact of the development is low to negligible, particularly when considering the acoustic context of the site. Given my own observations of the site and its surroundings I find it difficult to depart from that conclusion.
18. The Appellant confirms that the bins are emptied on a weekly basis between the hours of 7am to 9am. Whilst I appreciate, that waste might sometimes be deposited in the bins at unsociable hours, that is no different to the original bin store which has a similar proximity to the nearest residential properties.

19. For the reasons given I therefore conclude that the development would not harm the living conditions of neighbouring occupiers. Accordingly, there would be no conflict with Policy P10 of the Core Strategy or GP5 of the Unitary Development Plan⁴.

Other Matters

20. Local residents have raised a number of concerns including increased smells and vermin. However, in the absence of evidence to demonstrate how the appeal scheme has exacerbated these issues, they are not matters to which I can ascribe any degree of weight.

Conclusion

21. I have amended the standard time limit condition suggested by the Council to reflect the fact the proposal has already been completed save for the new landscaping area to the northern edge of the appeal site. I am not persuaded that the suggested condition regarding details of '*the provision of bin stores*' is necessary since I have found the existing arrangements to be acceptable. I have however imposed a condition restricting the bin collection hours to between 07:00-19:00 to protect the living conditions of neighbouring occupiers.
22. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector

⁴ Full Title: Leeds Unitary Development Plan (Review 2006)