



Appeal Decision

Site visit made on 24 January 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/N4720/W/21/3286591

43 Wetherby Road, Leeds LS8 2JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Grainger PLC against the decision of Leeds City Council.
 - The application Ref 21/01582/OT, dated 23 February 2021, was refused by notice dated 25 May 2021.
 - The development proposed is demolition of existing timber outbuilding and conversion of existing garages with small single storey extension to form 1no. 2 bed dwelling with mezzanine.
-

Decision

1. The appeal is allowed and outline planning permission is granted for demolition of existing timber outbuilding and conversion of existing garages with small single storey extension to form 1no. 2 bed dwelling with mezzanine at 43 Wetherby Road, Leeds LS8 2JU in accordance with the terms of the application, Ref 21/01582/OT, dated 23 February 2021, subject to the conditions set out in the schedule to this Decision.

Procedural Matters

2. The application is in outline with all detailed matters reserved. Plans and elevation drawings were submitted to illustrate how the development, including parking, might be accommodated on the site. These are not for determination as part of my Decision.
3. The appeal was accompanied by new evidence in relation to trees. However, this evidence does not change the proposal, rather it supplements the appellant's case in relation to matters which formed part of the Council's refusal reasons. Furthermore, as this evidence has been submitted with the appeal submission, the Council and other interested parties have had the opportunity through the appeal process to consider it. I have therefore taken the evidence into consideration during the determination of this appeal.

Main Issues

4. The main issues are:
 - (i) whether the development would preserve or enhance the character or appearance of the Roundhay Conservation Area, having particular regard to the effect on trees;
 - (ii) whether suitable access can be provided to the site; and
 - (iii) the effect of the development on biodiversity, climate change and air pollution.

Reasons

Roundhay Conservation Area

5. The appeal site lies within the Roundhay Conservation Area (the CA). Insofar as it is relevant to this appeal, the CA derives some of its essential character and significance from its spacious and verdant landscape setting, with properties set within large plots with mature garden planting. No 43 is typical of this character. It is a three-storey Edwardian building set back from the road within extensive landscaped grounds, and is identified in the Roundhay Conservation Area Appraisal as making a positive contribution to the CA.
6. Like many of the larger properties in the area, No 43 has been subdivided into multiple flats. The proposal seeks to convert the attached garages at the rear to form an additional flat. It is not in dispute that an appropriately designed scheme could be achieved, and based on the indicative drawings, I have no reason to disagree. Rather, it is the effect on the neighbouring trees behind the garages that has been identified as a concern to the Council.
7. I have had regard to the objection from the Council's Landscape Section. However, this appeal scheme is for the conversion of the existing single-storey structure and is not intended to be two-storey in height. Indeed, the Council would retain control over the height of the development at the reserved matters stage. The Arboricultural Impact Assessment (AIA) submitted with the appeal recommends crown lifting of tree T5 and minor pruning of overhanging branches to achieve appropriate clearance above the roof. Having reviewed the relationship of the existing garage and the tree at my visit, I see no reason why careful construction should require any severe pruning works.
8. It is indicated that a small element of rebuilding would be necessary as part of the conversion. However, this would be confined to the existing building footprint, and I am advised that no new foundations or retaining walls would be required. Consequently, there would be no encroachment of development within the Root Protection Areas of any nearby trees. An arboricultural method statement would further ensure the protection of the trees during construction and can be secured by an appropriately worded condition.
9. The AIA has identified two trees for removal, but this is solely on the basis of their current health and not as a result of the effect of the proposed development. These works are therefore unrelated to the proposal so do not require further assessment as part of this appeal. In any case, as these trees lie outside the application site their removal would require separate notification to the Council.
10. Taking all these factors into consideration, the development would not cause unacceptable harm to trees, such that the verdant character and mature landscaped appearance of the area would be maintained. The significance of the CA would not therefore be adversely affected and I also find that the character and the appearance of the CA would be preserved. I therefore conclude, on this issue, that the proposal complies with Policies P10, P11 and P12 of the Leeds City Council Core Strategy (as amended 2019) (the CS), saved Policies N19, LD1 and GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP), and the National Planning Policy Framework (the Framework), which, among other things, require that development respects the character and quality of its surroundings,

including landscape features, and seek to conserve and enhance the historic environment.

Vehicular access

11. Although the application has been submitted in outline with all matters reserved, the Council has expressed concern that the red line on the location plan does not include all the land required to access the site from the public highway.
12. However, it has been clearly stated that the proposal would make use of the existing access. There is no evidence that this arrangement is unsatisfactory to serve the proposed development, and I saw nothing at my site visit to indicate otherwise. Indeed, there was no objection from the local highway authority on this basis. The matter of access from the highway could therefore be readily addressed by future applications in relation to the reserved matters.
13. I therefore conclude, on this issue, that access to the highway could be provided as a part of the development and that the scheme does not conflict with CS Policies P10 and T2, saved UDP Policy GP5, and the Framework in respect of the provision of safe and suitable access.

Biodiversity, climate change and air pollution

14. The Council's delegated report refers to the implications of the loss of trees on wider climate change and air pollution objectives. However, I have already set out in relation to the first main issue that the development would not result in the loss of trees. Any pruning works required would be negligible and unlikely to cause any material harm in these regards.
15. In respect of wildlife and biodiversity, there is no evidence of harm to protected species and habitats. Whilst CS Policy G9 seeks an overall net gain for biodiversity, it contains no specific level of biodiversity net gain to be achieved. Moreover, any such gain is to be commensurate with the scale of the development and its impact. The appellant indicates an intention to bring forward enhancement measures as part of the reserved matters scheme. Taking into account the characteristics of the site and small scale of the development proposed, there is a reasonable likelihood in this case that even relatively small measures, either incorporated into the development, or within the wider grounds, could achieve a commensurate level of biodiversity net gain. The precise details of any enhancement measures could be dealt with by an appropriately worded condition.
16. I therefore conclude, on this issue, that the development would not have any significant adverse impacts on biodiversity, climate change and air pollution. Thus, the proposal complies with CS Policies P10 and G9, saved UDP Policies GP5 and LD1, Policy Land 2 of the Leeds City Council Adopted Natural Resources and Waste Local Plan Development Plan Document (2013), and the Framework, which, among other things, require development to protect and enhance the local environment, and ensure net gains in biodiversity.

Conditions

17. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended and shortened in the

interests of clarity and precision taking into account the guidance, and I have only imposed those conditions which meet the relevant tests.

18. I have attached conditions relating to the submission of reserved matters and the associated time limits as standard. A condition specifying the relevant drawing showing the application site is imposed for certainty.
19. An agreed pre-commencement condition requiring details of tree protection measures and an arboricultural method statement is necessary to protect existing trees during construction works. A condition in respect of biodiversity enhancement is appropriate with regards to achieving biodiversity gains. In the interests of promoting sustainable transport a requirement for an electric vehicle charging point is reasonable.
20. However, conditions relating to materials, parking and hedges are not necessary at this stage as they relate to matters of appearance, layout and landscaping which are reserved for subsequent consideration.

Conclusion

21. For the reasons given above, the appeal is allowed subject to conditions.

A Caines

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) This approval relates to Site Location Plan: OS Rev A.
- 5) No demolition, preparatory work, or construction works shall take place until a scheme for the protection of nearby trees (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The approved scheme of protection shall be implemented prior to any works commencing on site and thereafter adhered to throughout the construction period. The area within any fenced/protected area shall not be used for storage or the parking of machinery or vehicles and ground levels shall not be altered.
- 6) Prior to the first occupation of the dwelling hereby permitted, details of ecological enhancement measures to be installed on the site shall have been submitted to and approved in writing by the local planning authority. The approved ecological enhancement measures shall be installed prior to the first occupation of the dwelling and shall be retained thereafter.
- 7) Prior to the first occupation of the dwelling hereby permitted, details of a suitable facility to permit the recharge of an electrical vehicle on site shall be submitted to and approved in writing by the local planning authority. The approved facility shall be installed prior to the first occupation of the dwelling and shall be retained thereafter.

End of Schedule