



Appeal Decision

Site visit made on 1 March 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/N4720/W/22/3290385

43 Regent Park Terrace, Headingley, Leeds LS6 2AX

- 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 P Ratyal against the decision of Leeds City Council.
 - The application Ref 21/03698/FU, dated 27 April 2021, was refused by notice dated 17 September 2021.
 - The development proposed is described as "Conversion and subdivision of existing C4 dwelling into C3 dwelling and C4 dwelling with loft conversion and rear dormer."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would (i) preserve or enhance the character or appearance of the Headingley Hill, Hyde Park and Woodhouse Conservation Area, and (ii) provide satisfactory living conditions for future occupiers of the proposal.

Reasons

Conservation Area

3. The appeal site consists of a mid-terrace property with front and rear yard areas which sits within the Headingley Hill, Hyde Park and Woodhouse Conservation Area (CA).
4. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area Appraisal and Management Plan (CAAMP) indicates that the appeal site lies within Character Area 3. It describes Regent Park Terrace as properties of predominantly brick with strong character and attractive details with mature trees in the long front gardens that add to the attractiveness of the Terrace. I concur with this description of the properties on Regent Park Terrace. At my site visit I did note a number of refuse bins in the front garden areas of the properties on Regent Park Terrace. I therefore also agree with the character

analysis and opportunities for management and enhancement in the CAAMP which states *"the long front gardens with their mature trees need protection and in some cases restoration to counter the pressure from multiple occupation."*

6. Whilst the proposal increases the accommodation on site by one person, a separate residential unit would be created, and this would result in the need for six refuse bins to be provided. Two refuse bins would be under the external staircase however, the refuse store proposed for the other four refuse bins would be up against the low front wall. This refuse store would be visually prominent and an incongruous structure that would be detrimental to the character of the street and not protect the appearance of the long gardens and mature trees of the area.
7. Internal cycle storage is shown in the living room of the basement residential unit and a cupboard on the ground floor. The appellant indicates that the use of appropriate flooring, the expense of cycles and the trend towards electric cycles would ensure that the internal cycle storage would be utilised. I am not as convinced. It would be a contrived arrangements to store cycles in a living room area and the cycle store cupboard on the ground floor may not be an attractive option as it would require cycle users to carry their cycles up a flight of stairs. Given the location of the internal cycle storage, it is likely that cycles would be stored in the front garden area, therefore adding to the visual clutter and harming the character and appearance of the surrounding area.
8. Accordingly, the proposal would not preserve or enhance the character and appearance of the CA. The proposal fails to comply with Policies P10 and P11 of the Leeds Local Plan Core Strategy 2019 (CS), Policies GP5, BD6 and N19 of the Leeds Unitary Development Plan Review 2006 (UDPR), Neighbourhoods for Living Guide 2015 and the Framework which, amongst other things, seeks development to conserve and enhance the historic environment, and provide good design that is appropriate to its location, scale and function.
9. The appellant indicates that the proposal would not involve alterations to the volume of the site apart from a small rear dormer window. An examination of the HMO records, including a table in appendix 1 of the appellants statement of case, has been provided indicating the type of properties in the area. It is also noted that the Highways consultation did not raise any specific objections in respect of vehicle parking. These matters, however, would not outweigh the harm I have identified above.
10. My attention has been drawn to an approval¹ at 45 Regent Park Terrace. Insufficient information has been provided on this approval and I cannot be sure that this scheme is directly comparable to the appeal scheme, particularly with regards to cycle and refuse storage. In any event, I have determined this appeal on its own merits.

Living conditions

11. As indicated above, the proposed internal cycle storage would be contrived and not easily accessible. There also does not appear to be any cycle storage for the first floor residential unit. The proposal would therefore have a harmful effect on the living conditions of future occupiers as it would not incorporate

¹ Reference: 21/06294/FU

easily accessible and appropriately located cycle parking. The proposal would not accord with part C(v) of Policy H6 and Policies T2 and P10 of the CS, Policy GP5 of the UDPR and the Framework.

12. Given the comments from the Highways consultation, I am satisfied that the lack of vehicle parking would not compromise the living conditions of future occupiers. This matter does not alter my findings in respect of cycle parking.
13. The proposed shared living, dining, kitchen area in the attic space would not be as big as the existing ground floor shared area and be slightly restricted given the sloping roof. Nevertheless, the proposed shared area would be a sizeable room and have sufficient area for future occupants to relax and go about everyday tasks without being constricted. The cross-section drawing in appendix 2 of the appellants statement of case demonstrates that the proposed roof lights would be of sufficient height and size ensuring that future occupiers of this property would not be adversely compromised in terms of light penetration and outlook. I also do not consider that the arrangement of a shared living area being above bedrooms would lead to unacceptable noise levels to an extent that would be harmful to future residents.

Other Matters

14. I have had regard to the appellants statement of case including the planning history of the site which states that the appeal property has been in C4 use for a considerable time and that it was the subject of a planning approval² for the conversion of the lower ground floor to form a self-contained 2 bedroomed flat.

Conclusion

15. I have found that the proposal would not compromise the living conditions of future occupiers in respect of light, outlook and living space. However, these matters would not outweigh the harm I have identified with regards to the effects on the CA and living conditions with regards to cycle storage.
16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
17. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

² Reference: 20/06910/FU