



Appeal Decision

Site visit made on 22 March 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2022

Appeal Ref: APP/N4720/W/22/3291169

Land (Vacant) Quarry Hill, Woodlesford, Leeds LS16 8SX

- 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 Mrs Margaret O'Donnell against the decision of Leeds City Council.
 - The application Ref 20/07514/FU, dated 13 November 2020, was refused by notice dated 22 September 2021.
 - The development proposed is construction of two new dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the Woodlesford Conservation Area; the effect of the proposal on the living conditions of future occupants of the proposed dwellings with regards to light and amenity space; and the effect of the proposal on biodiversity.

Reasons

Conservation Area

3. The appeal site comprises of open land and some trees located within the Woodlesford Conservation Area (WCA).
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 WCA in the immediate area of the appeal site is characterised by a mix of built development with areas of open space and soft landscaping. The Woodlesford Conservation Area Appraisal and Management Plan identifies in its opportunities for management and enhancement section that soft landscaping that positively contributes to the area should be retained. The variation of built development and landscaping at this location does positively contribute to the character of the WCA.
6. The proposal would result in the loss of open space and landscaping that is an important feature in the area. The appeal site currently plays an important role in the character and appearance of the street scene and the proposal would

introduce an incongruous built form that would have a detrimental effect on the area.

7. The relationship of the appeal sites open space and landscaping with the adjacent woodland provides a positive functional amenity value that would be lost as a result of the proposed development. The plot size and orientation of the proposal would be sympathetic however, the form of the development would not reflect the terrace housing immediately adjacent to the site. Whilst there are a mix of old and new buildings in the area, the proposal would disrupt the historic grain which incorporates a blend of built structures, open land and landscaped areas.
8. The submitted arboricultural report identifies suitable methods of protection for trees at the margin of the proposed development. Nevertheless, the proposal would remove an important open and landscape aspect and be an intrusive form of development within the surrounding environment.
9. Accordingly, the proposal would have a harmful effect and not preserve or enhance the character and appearance of the WCA. The proposal fails to accord with Policy H2 of the Leeds Local Plan Core Strategy 2019 (CS), Policy GP5 of the Leeds Unitary Development Plan (UDP), Policies H2 and GE1b of the Oulton and Woodlesford Neighbourhood Development Plan and the Framework which seeks land to not be developed if it has intrinsic value as amenity space or makes a valuable contribution to the visual, historic and spatial character of an area.

Living conditions

10. The proposed rear gardens are narrow and would be close to trees that would effect the amount of light that reaches the windows of the property as well as the garden areas. The close proximity of the adjacent mature trees would give an oppressive feel when viewed from the rear windows and garden area of the properties and this would be detrimental to the living conditions of future occupiers. The proposed side gardens would not offer private space as they would be readily overlooked by persons passing the site along Quarry Hill road.
11. Due to the position and relationship with its surroundings, the proposals amenity areas would not be useable or provide an acceptable standard of living, and the living conditions of future occupiers would be compromised. The rear windows of the property would suffer from reduced amounts of light given the proximity to existing trees.
12. The proposal would be harmful to the living conditions of future occupiers of the property with respect of light and amenity areas. The proposal would be contrary to P10 of the CS, Policies GP5 and BD5 of the UDP, the Leeds Neighbourhoods for Living Guide (LNFLG) and the Framework which seeks development to be designed with consideration for their own amenity including useable space and penetration of light.
13. I have had regard to the appellants statement of case including comments on the subjectivity of light and shade, as well limitations on amenity spaces in the area. These matters however do not alter my findings above.

Biodiversity

14. The submitted Bat Activity Survey indicates that there is negligible roost potential and the site's value to foraging bats is low. The appellant also states that a recognised methodology for calculating biodiversity net gain is not available for

development of this nature and scale, especially as the DEFRA metric is not applicable to domestic gardens. Nevertheless, the proposal would result in the loss of open space and trees and there is insufficient evidence before me to indicate that the proposal would not have a negative effect on biodiversity.

15. It has been indicated that the garden areas have the potential to offer enhanced value, through planting and items such as water features and bird boxes. However, there is no specific details on these and how these features would be maintained. A planning condition relating to biodiversity would not be appropriate in this instance given the lack of information provided at this stage.
16. From the evidence before me, I am not convinced that the proposal would not have a harmful effect on biodiversity in the area. The proposal would be contrary to Policies P10, P12 and G9 of the CS, Policy GP5 of the UDP, Policy LAND2 of the Natural Resources and Waste DPD, the LNFLG and the Framework which seeks development to demonstrate an overall net gain for biodiversity and avoid environmental intrusion.

Other Matters

17. The proposal would be located close to local services and amenities, including the local healthcare centre opposite, and also close to bus services and railway stations. The proposal would be the development of an unallocated site that makes a contribution to housing stock in the area.
18. No concerns are raised with regards to the proposals effect on highway matters, living conditions of neighbouring occupiers, flood risk, contamination, accessibility and internal space standards. It is also noted that the boundary treatment can be altered for the scheme.
19. The appellant has noted a planning permission from the 1990s and also referred to 2005 and 2006 dismissed appeals. Insufficient information has been submitted on these other schemes and I cannot be sure that they represent a direct parallel with the appeal scheme, particularly with regards to size, form and relevant development plan policies. In any case, I have determined the appeal on its own merits.

Conclusion

20. The proposal would contribute to local housing stock and be in an accessible location as well as not adversely affecting matters such as highways, flood risk, contamination and neighbouring living conditions. However, these matters would not outweigh the harm I have identified with regards to the effects on the WCA, living conditions of future occupiers and biodiversity.
21. 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.
22. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR