



Appeal Decision

Site visit made on 19 April 2022

by A Caines BSc(Hons) MScTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/N4720/D/22/3291695

77 Park Road, Guiseley, Leeds LS20 8EN

- 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 Damien Newell against the decision of Leeds City Council.
 - The application Ref 21/07639/FU, dated 9 September 2021, was refused by notice dated 23 November 2021.
 - The development proposed is described as 'ancillary accommodation/home office'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The proposed building would be a sizeable box-like structure measuring around 5.5 metres in both width and depth, and some 2.5 metres in height. As some local residents have pointed out, it is a structure that would typically be expected in the rear garden of a house. In this case, it would be sited forward of the uniform frontage of houses on Park Road, within a strip of land that runs between the private access road and the B6153.
4. Elsewhere along the strip of land residents have created hardstanding areas for additional parking and bin storage. However, apart from a single example of a garage and greenhouse sited on a much larger area of land at the end of the road, the strip of land is otherwise devoid of buildings. Within this context, and irrespective of what external materials are used, the siting of the building in this location would appear highly incongruous and out of keeping with the established character of this part of Park Road.
5. I have taken into account that there is a tall hedge that could potentially screen the building from the B6153. However, the drawings indicate that around half of the thickness of the hedge would need to be removed to accommodate the building. I have no substantive evidence to demonstrate that this would not affect the health and long term retention prospects of the remaining section of hedge. Moreover, even if the hedge were to survive the effects of construction, it could still potentially be removed at any time. Indeed, this has occurred further along the road. In any case, the building would be highly visible to users of the private road as they pass along it, and from some of the neighbouring properties overlooking the site. There would also be a glimpsed view from Old Hollings Hill.

6. I note that some neighbours might be supportive of the proposal, but this is not a justification for harmful development. Furthermore, whilst I am mindful that each application and appeal should be treated on its own merits, there is a realistic prospect that allowing this appeal could make it more difficult to resist further planning applications for similar, or other piecemeal developments along the strip of land, to the further detriment of the character and appearance of the area over time.
7. For these reasons, I find that the development would unacceptably harm the character and appearance of the area, and so, conflicts with requirements of Policy P10 of the Leeds City Council Core Strategy (as amended 2019) (the CS), and saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006) (the UDP). Among other things, these require that new development is appropriate to its context, respects the character of its surroundings, and protects the visual amenity of the area. The development is also contrary to the National Planning Policy Framework, where it seeks to achieve well designed places and development which adds to the overall quality of the area.
8. Although the Council has also referenced CS Policy P12, UDP Policy BD5 and Policy HDG1 of its 'Householder Design Guide' Supplementary Planning Document (2012) in the refusal reason, I do not consider these to be determinative in this appeal.

Other Matters

9. Representations made during the application process raised some additional concerns to those already covered in the main issue above, but as these did not feature in the Council's refusal reasons and I am dismissing the appeal in any event, it is not necessary to explore those matters any further as it would not alter the appeal outcome.
10. I have noted the apparent difficulties the appellant has experienced in discussing the proposal with the Council, and their continued willingness to make amendments to seek to try and address the reasons for refusal. However, it is not the purpose of the appeal process to engage in the consideration of alternatives. I must consider the appeal proposal on the basis of the plans which formed the planning application to the Council.

Conclusion

11. Given the above, the proposal conflicts with the development plan as a whole and there are no considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR