



Appeal Decision

Site visit made on 28 February 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2022

Appeal Ref: APP/N4720/W/21/3289154

Land Off Sunnydale Ridge, Otley LS21 3LR

- 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 Mark Dexter and Joanne Sexton against the decision of Leeds City Council.
 - The application Ref 21/06134/FU, dated 14 July 2021, was refused by notice dated 29 September 2021.
 - The development proposed is single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a minor variation in the description of the development as given on the planning application form and the Council's decision notice. I have used the description stated on the application form as this reflects the details given in the appeal.
3. It was requested that I view the appeal site from a number of properties on Sunnydale Crescent, and I was able to do so at my visit.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - Highway safety; and
 - The living conditions of future residents with regards to private amenity space.

Reasons

Character and Appearance

5. The appeal site consists of a grassed area, including a number of trees and shrubs, adjacent to the residential street of Sunnydale Ridge. Although the land was relatively unkempt at the time of my visit, it was apparent that the site makes a positive contribution to the streetscape due to its open landscaped character.

6. It is proposed to place a bungalow with associated parking spaces and amenity areas on this site. Although the bungalow would be of a relatively small scale, due to the elongated and constrained nature of the site the building would project close to the front and rear boundaries. The introduction of a dwelling on such a limited site would therefore appear as a contrived and unduly constrained feature within the streetscape.
7. The loss of the open space would also harm the landscaped character of the streetscape. Although the land is privately owned and does not have public access, this area of grass and planting contributes to the streetscape, and its loss to built development and enclosed private space would therefore have commensurate harm to the character and appearance of the area.
8. The trees within the site add to the landscaped setting of the street, although the trees do not have specific protection. However, even if the trees were removed, the contribution that the open grassed area makes to the streetscape would remain. That said, the retention of existing trees and further tree planting could be addressed by planning condition.
9. Due to the sloping topography of the area and the small scale of the building, the proposal would not be unduly intrusive when viewed from nearby properties. However, the incongruous nature of the proposal would be apparent in views from the street, and a lack of harm in respect of outlook from individual properties does not negate the harm I have identified in relation to the streetscape.
10. Reference has been made to a bungalow to the west of the site. However, the evidence suggests that that site previously contained a garage, and the circumstances of that development are not a direct parallel to the appeal before me. Furthermore, the nearby bungalow served to confirm the constrained appearance of development on sites of this size and arrangement, and should not be used as a reason to allow development on this open land.
11. The appellants refer to the rough scrubland nature of the site. However, the size of the site is not excessive and its arrangement is such that maintenance should not be unduly difficult. If I was to accept the appellants' argument on this matter, then this would be an unacceptable incentive to allow land to fall into a poor state of maintenance as a means of justifying harmful development.
12. The appellants also refer to a nearby green way along a former railway line. However, this fulfils a different role to the appeal site and would not compensate for the harm to character and appearance arising from the development. Although the appeal site may not be of strategic importance in landscape terms, this does not undermine the positive contribution it makes to the appearance of the local streetscape.
13. I conclude that, due to its design, siting, arrangement and loss of open space, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore conflict with the design and landscape requirements of policies P10 and P12 of the Core Strategy 2019 as well as policy GP5 of the Unitary Development Plan Review 2006 (the UDPR). The proposal would also be contrary to the National Planning Policy Framework (the Framework) with regards to achieving well-designed places. The proposal would also conflict with the advice of the Neighbourhoods for Living Supplementary Planning Guidance 2003 (the SPG) in relation to providing well

designed private open space for dwellings which is appropriate to the character of the area.

14. I find no conflict with policy BD5 of the UDPR on this main issue as this policy relates to amenity considerations including light, usable space and privacy, rather than character and appearance.

Highway Safety

15. The proposal would include 2 parking spaces, the access to which would be located close to the junction with Sunnydale Crescent. It is proposed to extend the footway adjacent to the roadway up to the entrance to the parking spaces.
16. Due to the proximity to the junction, there is potential for conflict with vehicles traversing the junction and vehicles moving into and out of the parking spaces. Due to this arrangement and the relatively sharp turn into the parking spaces, this could lead to convoluted manoeuvres which would exacerbate conflicts between the vehicles of residents of the proposal and other highway users.
17. The Council's Highways Development Engineer has also referred to limited inter-visibility between vehicles emerging from the parking spaces and pedestrians on the extended footway. Matters such as the retention or location of trees as well as the design of means of enclosure could be addressed by condition, although the sloping topography and the proximity to the junction would remain. However, even having regard to potential conditions, it has not been demonstrated that the proposal would provide suitable visibility for vehicle and pedestrian movements in the vicinity of the access to the site.
18. The appellants submit that the parking arrangement would mirror that of the dwelling on the western side of the junction. However, the evidence suggests that access to that site was of a historical nature, and it has not been demonstrated that it meets appropriate visibility requirements. On that basis, the access arrangements of the nearby dwelling should not be used to justify the potentially unsuitable access that would result from the appeal proposal.
19. Traffic speeds in this residential area may be relatively low. However, this does not negate the requirement to ensure that access and parking provision is designed to address matters of highway safety.
20. I conclude that it has not been demonstrated that the proposal would provide safe and suitable access, and that it would not lead to an unacceptable impact on highway safety. The proposal would therefore conflict with the access and highway safety requirements of policies T2 of the Core Strategy and GP5 of the UDPR. The proposal would also be contrary to the Council's Street Design Guide Supplementary Planning Document 2009 with regards to providing safe movement for all street users.

Living Conditions - Amenity Space

21. Despite the site's constrained nature, the evidence provided by the appellants indicates that the proposed amenity space would exceed the levels set out in the SPG. In any event, the extent of private amenity space enclosed by the proposed 1.8 high fence could be addressed by condition, although I am mindful that increases in the extent of enclosure could increase the harm arising to character and appearance regarding the loss of openness.

22. The Council also refer to overlooking of the amenity area to the east of the proposed dwelling, although the nature of the overlooking would not be unusual for a residential area.
23. Shadowing from trees could also be addressed as part of a landscaping condition, and the Council has not provided substantive evidence that the private amenity area would be affected by unacceptable overshadowing.
24. I conclude that the proposal would provide suitable private amenity space, and would therefore not harm the living conditions of future residents. The proposal would therefore not conflict with the amenity considerations of policies P10 and P12 of the Core Strategy or policies GP5 and BD5 of the UDPR. The proposal would also comply with the Framework with regards to the amenity of users of development. The proposal would also not conflict with the advice of the SPG in respect of the provision of private space.

Other Matters

25. A number of comments raised locally as well as from the Council have referred to issues of drainage and land stability. Had I been minded to allow this appeal, these are issues I would have considered further.

Conclusion

26. Notwithstanding my conclusions on living conditions, I have concluded that the proposal would conflict with the development plan in respect of character and appearance as well as highway safety. The proposal would therefore conflict with the development plan and the Framework as a whole with regards to sustainable development. There are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR