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# 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: 29<sup>th</sup> April 2022**

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**Appeal Ref: APP/N4720/W/22/3292341**

**Hillcroft, 6 Carr Bank, Newall Carr Road, Otley LS21 2AE**

- 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 C Greer against the decision of Leeds City Council.
  - The application Ref 21/06861/FU, dated 9 August 2021, was refused by notice dated 25 October 2021.
  - The development proposed is demolition of existing single storey side extension and erection of an attached two and half storey residential unit.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. During my site visit I was also able to view the site from the neighbouring garden of 5 Carr Bank.

## Main Issues

3. The main issues are the effect of the development on:
  - i) the character and appearance of the host building and surrounding area;
  - ii) the living conditions of neighbouring occupiers, with particular regard to privacy; and
  - iii) highway safety.

## Reasons

### *Character and appearance*

4. The appeal property is a semi-detached dwelling occupying an elevated position perpendicular to Carr Lane. The surrounding area is mostly residential in character and contains a variety of house types, styles and age. The proposal would remove the existing single-storey, flat-roofed side extension and construct an attached, two-storey dwelling with an additional floor of accommodation within the roofspace facilitated by front and rear box dormers.
5. Although the development would result in these semi-detached houses becoming a short terrace, there is enough variety in house types in the immediate area, including terraced housing, to accommodate this change without it appearing incongruous. Nevertheless, in terms of its design and detailing, the flat roof dormer windows would be wide and bulky structures that would occupy the majority of the roof planes of the proposed dwelling, and as a result, would appear excessively large and out of proportion. There would also

be inconsistency in its fenestration compared to the existing building it would be physically adjoined to. The overall effect would be a design that does not integrate sensitively with the host building. This harmful effect would be particularly noticeable from the south due to the elevated position of the site. The existence of other dormers in the area does not justify the specific harm that would result from this proposal.

6. I therefore conclude, on this issue, that the development would unacceptably harm the character and appearance of the host building and its surroundings. This is contrary to Policy P10 of the Leeds City Council Core Strategy (as amended 2019) (the CS), and saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006) (the UDP). Amongst other things, these policies seek to ensure that development is of good design which respects the character and detailing of the original building and the surrounding area. The development is also contrary to the National Planning Policy Framework (the Framework), where it seeks to achieve well designed places and development which adds to the overall quality of the area.

#### *Living conditions*

7. It is evident that amendments were made to a previously refused scheme to remove a roof terrace and reduce the size of windows in the gable end. The remaining windows would either be at a high level, or at a distance and orientation that would not cause direct overlooking of the rear gardens of 4 and 5 Carr Bank, which I observed already experience much closer mutual overlooking from their respective first floor windows. Consequently, the development would not cause a significant loss of privacy to these neighbouring occupiers, notwithstanding the considerable difference in levels.
8. However, privacy concerns were also raised by the neighbours at 8 Carr Bank. Although this neighbouring property sits above the appeal property, I saw that the rear dormer of the proposed dwelling would be at a height and proximity that would potentially overlook No 8's garden and conservatory, which are not closely overlooked at present. As a result, the level of privacy that the occupiers of No 8 currently experience in these parts of their property would be diminished, to the detriment of their living conditions.
9. I therefore conclude, on this issue, that the development would cause unacceptable harm to the living conditions of the occupiers of 8 Carr Bank through loss of privacy. This is contrary to CS Policy P10 and saved UDP Policies GP5 and BD5, insofar as they seek to protect the amenity of neighbouring residents. It is also contrary to the Framework where it requires development to provide a high standard of amenity for existing and future users.

#### *Highway safety*

10. Carr Bank is the northern entry into the town and slopes steeply downward past the appeal site. The proposal would utilise the existing single-width driveway which is currently shared by 5 and 6 Carr Bank. I saw that northern visibility onto Carr Bank is severely restricted by the tall boundary hedge of No 8 and the nearby bend in the road. As a result, there is potential for dangerous reversing manoeuvres on Carr Bank if vehicles are unable to enter and exit the site in forward gear.

11. I am mindful that the access already serves existing properties. Nonetheless, the proposal would lead to additional vehicle use of the access. While the plans denote a dedicated turning area, I have no substantive evidence to demonstrate how this constrained arrangement would work in practice, particularly if other parked vehicles were already present. There also appears to be an issue regarding the ownership of this area of land, which brings the deliverability of the turning area into doubt. Consequently, on the evidence before me, I cannot be satisfied that the proposal would enable vehicles to turn within the site and exit onto Carr Road in forward gear. This would increase the potential for an accident at this point along Carr Road.
12. Furthermore, whilst the plans show that two parking spaces would be created at the front of No 6 to compensate for the loss of its existing parking, there would not be sufficient space around the cars for pedestrian circulation, particularly for wheelchair access, or to gain access to the cycle and bin stores. If the vehicles were parked any further forward they would encroach into the turning area. It is also likely that one of the spaces would experience difficulty in opening car doors due to its proximity to the boundary with No 7. The parking arrangement for No 6 is therefore, in my judgement, impractical. Consequently, the proposal also fails to make appropriate provision for parking. This could potentially lead to obstructive displaced parking on Carr Road, to the further detriment of highway safety.
13. The access is shared by vehicles and pedestrians, but given the slow speeds at which vehicles would be travelling along this short stretch of driveway, the risk of pedestrian and vehicle conflict would be low. However, this does not alter or outweigh my overall conclusion on this main issue.
14. I therefore conclude, on this issue, that the development would have an unacceptable impact on highway safety. This is contrary to the parking and highway safety aims of CS Policy T2 and saved UDP Policy GP5. It is also contrary to the Framework in terms of achieving safe and suitable access, and preventing unacceptable impacts on highway safety.

### **Other Matters**

15. The government places considerable importance on boosting the supply of housing, and the proposal would deliver economic and social benefits from the construction and occupation of the house in a sustainable location. However, these benefits arising from one dwelling would be small. Moreover, there is no dispute that the Council can currently demonstrate a 5-year supply of housing. Consequently, I can only give these benefits limited weight.
16. The Council's handling of representations after the application do not have any bearing on my consideration of the planning merits of the case.
17. I have noted the representations from interested parties on matters not already covered in the main issues above, but as I intend to dismiss the appeal for other substantive reasons it is not necessary to explore those matters any further as it would not alter the appeal outcome.

### **Conclusion**

18. Given the above, the proposal gives rise to significant conflicts with the contents of the development plan relating to the character and appearance of the area, living conditions of neighbours, and highway safety. Due to

consistency with the Framework, I attach significant weight to this conflict. Although the proposal would bring with it some benefits in the form of providing a new home in a sustainable location, I consider that these are far outweighed by its negative aspects, and the conflict with the development plan as a whole. Accordingly, the appeal should be dismissed.

*A Caines*

INSPECTOR