



Appeal Decision

Site visit made on 7 July 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2022

Appeal Ref: APP/N4720/D/22/3295264

72 Foundry Mill Walk, Seacroft, Leeds LS14 6TG

- 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 J Olanrewaju against the decision of Leeds City Council.
 - The application Ref 21/09745/FU, dated 1 December 2021, was refused by notice dated 4 March 2022.
 - The development proposed is outbuilding to rear.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the sake of brevity and clarity I have used the description of development from the Councils decision notice.
3. At the time of my site visit, construction works had begun on a structure at the appeal site. I have assessed the appeal accordingly.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the surrounding area and whether sufficient information is provided with regards to use, materials and measurements.

Reasons

Character and appearance

5. The area surrounding the appeal site is characterised predominantly by residential properties of traditional design and detailing. The built form in the area is mainly uniformed with few structures situated forward of the front building lines of the properties.
6. The proposal is described as being less than 30 square metres in floor area, being set 0.45 metres below the ground level so not exceeding 2.2 metres in height, as well as being set back from the edge of the footpath. The proposal would be set forward of the principal elevation of the main property and given this positioning it would appear as an unusual structure within the street scene.
7. Part of the appeal site is bounded by high hedgerow, nevertheless, the proposal would still be visible through the access points as well as from neighbouring properties. Due to the location of the proposal, it would be an incongruous structure that would detract from the built form of the surrounding area.

8. Accordingly, the proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to saved Policies GP5 and BD6 of the Leeds Unitary Development Plan, Policy P10 of the Leeds Local Plan Core Strategy and Policy HDG1 of the Leeds Householder Design Guide Supplementary Planning Document which seeks all extensions, additions and alterations to respect the scale, form, proportions, character and appearance of the main dwelling and the locality.

Sufficient information

9. The submitted plans are annotated with measurements shown against the proposed building. However, the absence of a scale on the plans does give an element of doubt as to the accuracy of the submitted plans and subsequently the dimensions of the proposed building.
10. The Council indicate there is ambiguity over the intended use of the proposal, as it has been referred to as a studio and storage within the submitted evidence. Given the size of the proposal and its siting within the domestic curtilage, it is likely that the proposed building would be for domestic purposes to be used in conjunction with the main residential property.
11. There are no details on the proposed materials of the outbuilding. This matter, however, could have been the subject of a planning condition.

Other Matters

12. I recognise the failure of this appeal could affect arrangements for the appellants family, particularly an identified family member with specific needs. Having regard to the circumstances drawn to my attention, this could represent an interference with their rights under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. It is noted that the proposal has been specifically designed to allow the family member to have maximised use of the garden area at the appeal site. The dismissal of this appeal would not have an adverse effect on the size of the garden area. Having regard to the legitimate and well-established development plan policies and the National Planning Policy Framework (the Framework) which aim to protect the character and appearance of an area, in this case I consider greater weight is attached to these. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the appellant or the appellant's family.

Conclusion

13. 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.
14. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR