



Appeal Decision

Site visit made on 12 July 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022

Appeal Ref: APP/N4720/W/22/3297580

Garage site between 4-5 Malmesbury Close, Upper Wortley, Leeds LS12 4BW

- 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 Richard Letts against the decision of Leeds City Council.
 - The application Ref 21/03182/FU, dated 12 April 2021, was refused by notice dated 27 October 2021.
 - The development proposed is erection of a detached two bedroom, two storey dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of future occupiers; and c) highway safety with specific regard to access and parking.

Reasons

Character and Appearance

3. The appeal site is a small parcel of flat land in the corner of an existing cul de sac, backing onto a supermarket car park. It hosts a block of single storey garages and sits between two blocks of two storey terraced dwellings. The two-storey flatted development to the opposite corner aside, the street has a pleasant consistency in building size, design, scale, plot layout and appearance. This is through modern two storey dwellings with shallow hipped roofs, mostly flush frontages with similar setbacks from their frontages and private gardens to the rear, as well as a defined yet shallow step down and back between each pair. Taken together, these elements bring with them a strength of uniformity which contributes positively to the character and appearance of the area.
4. The proposed dwelling would be unconventional in this context, a detached unit designed to fit the site and avoid adverse effects on neighbouring occupiers. As a result, the building's shape, plot arrangement and particularly its staggered and multi level roofscape, would appear out of place and unacceptably reduce the quality of the street scene's consistency.
5. There is a stepped roof feature in the street, but this occurs between similar designed pairs of buildings and is of a degree and angle that is repeated in other terraces, in the same place on each, creating a pattern. Thus contributing

positively to the consistency of the street. As such, the multi-level nature and stepping of what would be several more deeply spaced different roof planes would still be read as a markedly different design feature. I also accept that the aforementioned flatted development bucks the trend of uniformity in the street, but the design of that building is more conventional, of a simple and considerably less convoluted shape that exists as a sufficiently acceptable design on its own merits, within its obviously modern context.

6. The existing garages and land associated with them are relatively unprepossessing, but the small scale of the garages in particular makes them unassuming and recessive in the street scene. The present condition of the garages does not justify a redevelopment proposal that would fail to meet a high standard of design within its context. In addition, the Council have assessed the distances which would remain between the front elevation of the proposed house and the side elevation of the property which would be opposite. The Council deem that they would be appropriate in comparison to their guidance against which such schemes are assessed. I have no reason to disagree with this assessment but, as a matter on which no harm would be found, it would accordingly be neutral against the harm that I have found.
7. For the above reasons, the proposed development would cause harm to the character and appearance of the area. As such, it would be contrary to Policy P10 of the Leeds City Core Strategy 2014, as amended (CS) and Policy GP5 of the Leeds Unitary Development Plan, as reviewed 2006, (UDP). In summary, and amongst other things, those policies state that development proposals should resolve detailed design considerations and respect and enhance existing streets according to their particular local distinctiveness.
8. The proposed development would also be contrary to advice at paragraphs 126 and 130 of the National Planning Policy Framework (the Framework) which highlights that good design is a key aspect of sustainable development and that development should be visually attractive and adds to the quality of the area. Paragraph 134 then advises that development that is not well designed should be refused.

Living Conditions

9. Within the front elevation of the proposed house, generously proportioned windows would serve the bedrooms, kitchen and lounge. This would aid in maximising outlook and light levels despite said windows being located on a north facing elevation. When within these rooms, the outlook would be across, and over, the proposed garden and drive, then, beyond, the side elevation of the neighbouring property, its drive, garden and a boundary hedgerow. The garden areas and hedgerow would be pleasant enough features to view. The neighbouring property has a hipped roof profile. Therefore, as it heightens to the ridge it would be sloping away from the front elevation windows of the proposed dwelling easing the effect upon occupiers looking out.
10. The proposed kitchen would benefit from a further side elevation window and a roof window. The proposed lounge would likely receive sunlight at times from the window to the adjacent staircase.
11. The property would be served by only a modest front garden area and, given its location north of the house, it would receive a significant amount of shade. However, the more open aspect to the east and west should permit some

sunlight to reach it at times. The property would have two bedrooms and therefore occupancy levels would be relatively low. In turn, the garden serving the house can, justifiably, be more modest than one which would serve a larger family home. In addition to the garden, dedicated storage is shown on the plans. Garden and yard sizes do vary in the area, but it is quite typical for houses to be served by limited outdoor areas.

12. I note that the Neighbourhoods for Living: A Guide for Residential Design in Leeds Supplementary Planning Guidance 2003, as amended, contains some quite prescriptive guidance in relation to the design and layout of houses, including their gardens. I have had regard to this but, for the above reasons, I find that the layout of the development would provide the occupiers with an adequate standard of outlook, light and outdoor space.
13. Therefore, in respect of living conditions, I find that the proposed development would accord with Policy P10 of the CS and Policy GP5 of the UDP. In summary, and amongst other things, those policies state that development proposals should contribute positively to quality of life and wellbeing and protect residential amenity. I find that the proposed development would also accord with advice at paragraphs 126 and 130 of the Framework which highlights that development should provide a high standard of amenity and create better places to live through good design.

Highway Safety

14. Malmesbury Close is a relatively short cul-de-sac. Some properties are served by driveways whilst others are not. The proximity of bus stops and the convenience of some facilities including a supermarket next door means that using transport other than a car are genuine options for existing and prospective residents.
15. The proposed drive could cater for 2 cars. The width of the access would appear to accord with the advice contained within the Street Design Guide Supplementary Planning Document. Nevertheless, I do find it likely that should parking occur on-street very close to the access it could make manoeuvring on and off the drive more awkward as the space in the corner of the cul-de-sac would be limited. Some conflict between the motorists could occur, even with the aid of car features such as reversing sensors. Damage to walls may have occurred on the cul-de-sac previously but I am unclear on the nature and reasons behind it and in the absence of these details before me I cannot afford this matter any significant weight.
16. However, given the cul-de-sac nature of Malmesbury Close and the limited number of properties situated on it, vehicle movements will be relatively low so too will vehicle speeds. On-street parking of some cars will occur but the presence of some existing driveways will help with the extent of this and during my site visit, which was undertaken in the early evening, the cul-de-sac was not inundated with parked vehicles.
17. Furthermore, it is the case that an access and the garage block are in place now. It seems that there is at the least a reasonable prospect that the garages could be utilised again in the future with the associated vehicle movements. The existing hardstand does provide some more space to manoeuvre upon than the proposed drive would. The access point itself is no wider though so the potential for any conflict between a vehicle accessing or egressing with a

closely parked vehicle on the street would be similar. I have no substantive reason to conclude that the driving habits of a user of the garages or the home proposed would differ to any significant degree.

18. Taking all these factors into account I find that the development would not create any unacceptable highway safety effects. It follows that the proposed development would therefore accord with Policy T2 of the CS and Policy GP5 of the UDP which, amongst other matters, state that parking provision should be appropriate with access resolved and highway congestion avoided. Furthermore, the development would accord with guidance at paragraphs 111 and 112 of the Framework which advises that development should not result in unacceptable effects on highway safety and should minimise conflicts between highway users.

Other Matters

19. The brownfield nature of the site, its proximity to facilities and transport options together with particular design features such as the solar panels may well boost the sustainability credentials of the development. However, these more beneficial elements of the development are not reliant on the particular scheme before me, do not render this particular scheme appropriate nor overcome my concerns with the appearance of the house.
20. The development may have been subject to a redesign to reduce effects upon the living conditions of the occupiers of No 5, however, I have assessed the proposals on their own merits, finding them to be harmful. As such, it is implicit that such changes have not amounted to an acceptable form of development.
21. The appellant has raised concerns with the manner in which the Council determined the planning application including that the final decision thereon differed from preceding advice. However, any advice given at the pre application stage would be without prejudice to the final outcome of any future planning application. In any case, I was not party to that particular process. I have explained, with regard to the development plan, why the proposals would be unacceptable in planning terms.

Conclusion

22. Whilst I have found in the appellant's favour in regard to the second and third main issues, this would be a lack of harm in each case and thus, by definition, incapable of weighing against it. The appeal scheme would conflict with the development plan for the reasons given and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

H Jones

INSPECTOR