

# Appeal Decision

Site visit made on 4 October 2022

**by H Jones BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> November 2022**

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**Appeal Ref: APP/N4720/W/22/3304580**

**15 Monk Bridge Terrace, Meanwood, Leeds LS6 4HW**

- 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 Brian Prendergast against the decision of Leeds City Council.
  - The application Ref 22/01912/FU, dated 14 March 2022, was refused by notice dated 3 May 2022.
  - The development proposed is a new 2-bed dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - The effect of the proposed development upon the character and appearance of the area; and
  - Whether the proposed development would provide acceptable living conditions for future occupants with specific reference to the provision of private external space.

## Reasons

### *Character and appearance*

3. The site is situated on a corner plot at the junction of Monk Bridge Terrace and Monk Bridge Mount. The surrounding area is predominantly residential in character. The site is located within a larger group of semi-detached bungalows surrounded by roads. Whilst there are two storey dwellings in the surrounding streets, dwellings in the immediate vicinity of the site are single storey in height and these form the immediate site context.
4. Though some of these neighbouring bungalows have been altered or extended there remains a strong degree of cohesion owing to many of them sharing distinctive design elements. These elements include red brick elevations, hipped roof profiles, rectangular shaped bay windows and low eaves.
5. The site is partly enclosed by hedgerow. Generally, the neighbouring bungalows, are set within quite spacious plots with mature gardens, often with hedgerows adjacent to the pavement. Opposite the site is a wooded area containing a watercourse which, together with the mature gardens and

hedgerows, provides a verdant character. As an open corner plot with hedgerow, situated opposite the wooded area, I find that the site contributes positively towards the Urban Green Corridor which is identified within the Leeds Unitary Development Plan Review, 2006 (UDP).

6. The proposed dwelling would incorporate a hipped roof profile and would have a ridge height comparable with that at the adjacent 15 Monk Bridge Terrace. However, owing to its two storey form, the eaves height would be markedly higher than the neighbouring bungalows. This dissimilarity in eaves height would be exacerbated by design details including the vertical proportions to some fenestration, such as the Juliet balcony with doors, and the glazing to the corner of the staircase. The complex fenestration on the south elevation would jar with the simpler and more consistent approach exhibited by neighbouring bungalows. The use of render would be at odds with the consistency of the materials used in the neighbouring bungalows and would exacerbate the dwelling's two storey form and prominence which would be harmful to the cohesive character of the street scene.
7. The semi-detached bungalows around the site are quite evenly spaced apart creating a regular and open character in the street scene. The proposed dwelling would be sited very close to the common boundaries with No 15 Monk Bridge Terrace and No 8 Monk Bridge Mount with very little external space to these sides. This would be at odds with the prevailing character of the nearer neighbouring bungalows where there is more space between the dwelling and their rear boundaries compared with the appeal proposal. Furthermore, the introduction of a further property in this location would disrupt the largely symmetrical layout of properties in the immediate area and would erode the open space between the semi-detached pairs of bungalows to either side. Consequently, the proposed dwelling would appear awkwardly shoe-horned into the plot.
8. On my visit, I viewed the recently built dwelling at Monk Bridge Street, the variety of house types in the area and instances where two storey dwellings are situated next to bungalows. However, the topography of the area around the site, the presence of existing bungalows to either side of the site, and the spaciousness of neighbouring plots, are all factors which, in combination, provide a particular context to this site which is different from the context of the other sites and they are therefore not comparable with the circumstances of the appeal site.
9. As a result, I find that the proposed dwelling would have an incongruous and cramped appearance within the site to the detriment of the cohesive character of the street scene. It follows that the contribution that the appeal site currently makes to the visual amenity of the Urban Green Corridor would be detrimentally affected. That the site may not be publicly accessible does not diminish its visual contribution to the corridor or lessen the visual harm that the development would cause.
10. Consequently, the development would be contrary to Policies P10 of the Leeds City Core Strategy 2014 (CS) and Policies GP5, LD1, N8 and N9 of the UDP. I also find that the development would be contrary to the advice contained within the Neighbourhoods for Living Supplementary Planning Guidance (SPG). In summary, and amongst other things, these policies and provisions seek to ensure that development is of a scale, size, layout and design appropriate to its context, provides landscaped areas reflective of the scale and form of adjacent

development and respects the function of the Urban Green Corridor. Furthermore, I find that the development would conflict with the National Planning Policy Framework (the Framework) which states that planning decisions should ensure that development adds to the overall quality of the area, developments are visually attractive as a result of good architecture and are sympathetic to local character.

11. Whilst the Council has referred to Policy BD5 of the UDP in the first reason for refusal, Policy BD5 relates to living conditions and is not relevant to the first main issue in this case.

#### *Living conditions*

12. The size and layout of the private external space proposed would not differ greatly from the previous scheme which was dismissed at appeal.<sup>1</sup> However, the proposed lawn and sunken terrace are revised elements which would be sited farther from the highway, somewhat more secluded, and would provide dedicated space with more privacy. The arrangement proposed, with the majority of the garden being to the front and side is similar to some other corner plot properties nearby and therefore would not be unusual.
13. The external space to the rear of the plot would be likely to receive a substantial amount of shade, but the more useable areas towards the front and closer to the road would receive adequate levels of sunlight. Although some hedging and fencing is proposed to plot boundaries, owing to the access visibility requirements, much of this would not be high nor, would it dominate the adjoining spaces.
14. Furthermore, the SPG advises that, as a general guide, an appropriate garden size is that which is two-thirds of the total gross floor area of the dwelling. On the basis of the submitted plans, and the dimensions provided by the appellant, which have not been contested by the Council, this would be met and would likely still be met even in a scenario that an alternative location for cycle storage had to be identified due to the access visibility requirements.
15. Therefore, for the above reasons, I conclude that the proposal would provide for an adequate external private space. It follows that the development would be in compliance with Policies GP5 and BD5 of the UDP and the SPG. These policies and provisions require development to resolve relevant detailed design considerations and provide adequate outdoor private space. There would also be compliance with the Framework in so far as it seeks to ensure a high standard of amenity including for future occupiers.

#### **Other Matters**

16. The appellant has indicated that the dwelling would be an affordable starter home. Paragraph 64 of the Framework states that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. I have no substantive evidence before me that sets out the affordable housing need in the City or that it should be sought in this case. I do not have an agreement under section 106 of the Town and Country Planning Act 1990 before me which would secure the dwelling as being an affordable unit. Even if I did, I must consider whether such an obligation would meet the three tests set out within paragraph 57 of the Framework and

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<sup>1</sup> Appeal Reference APP/N4720/W/21/3282863

Regulation 122 of the Community Infrastructure Levy Regulations 2010, including that the obligation would be necessary to make the development acceptable in planning terms. Therefore, in these circumstances, I attribute little weight to the potential for the development to deliver an affordable unit.

17. The dwelling may have been designed to minimise energy consumption. However, I have no substantive evidence before me which demonstrates the precise extent of this nor that it would achieve a betterment to that which would, in any event, be necessary through compliance with Building Regulations.
18. I note that letters of support for the scheme have been submitted but this does not in itself render the scheme appropriate nor overcome my concerns in respect of the first main issue. Furthermore, on my visit, the site was in a maintained condition and there was no evidence that the site was untidy or that it particularly suffers from anti-social behaviour. Even if those issues do arise at times, I have no substantive evidence before me of their extent and accordingly this is not a determinative factor in my Decision.
19. The site would be appropriately located for access to services, and I have no reason to conclude that the highways and parking implications of the development would be harmful, that the site is at any unacceptable risk from, nor would cause flooding or that the development could not be adequately drained. However, this lack of harm is neutral in the planning balance and does not outweigh the harm that the development would cause to the character and appearance of the area.

### **Conclusion**

20. Whilst I have concluded that the proposal would provide acceptable living conditions having regard to the amount of private external space, this does not outweigh the harm that would be caused to the character and appearance of the area and the conflict with the development plan in that regard. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. The appeal is therefore dismissed.

*H Jones*

INSPECTOR