



Appeal Decision

Site visit made on 4 October 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2022

Appeal Ref: APP/N4720/D/22/3304710

Robin Hill Vacant Property, Main Street, Aberford, Leeds LS25 3AW

- 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 Hardcastle against the decision of Leeds City Council.
 - The application Ref 22/02303/FU, dated 28 March 2022, was refused by notice dated 1 July 2022.
 - The development proposed is garden room/work space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been erected on site and is largely complete. Other than the external timber cladding, which is yet to be added, the building appears to accord with the submitted plans and details provided in the application form. For the avoidance of doubt, I have determined the appeal in accordance with these details.

Main Issues

3. The main issues are the effect of the development on:
 - i. The character and appearance of the area; and
 - ii. The living conditions of the neighbouring occupiers at 14A Haverthwaites Drive, specifically with regard to outlook.

Reasons

Character and Appearance

4. The host property lies in a predominantly residential area and sits between Main Street and Haverthwaites Drive, with boundaries to both. It fronts Main Street, where the front boundary is separated from the edge of the road by a grass verge. When viewed from both Main Street and Haverthwaites Drive, it is bound to both sides by residential properties. Opposite the frontage, beyond Main Street, is open land.
5. The appeal site has a reasonably large front garden adjacent to Main Street. Neighbouring gardens differ in size and their degree of openness, largely due to the varying nature of trees and vegetation along boundaries. The front building lines of the dwellings also vary. However, gardens are consistently free of

standalone buildings, leaving the dwellings themselves as the prominent features of the street frontage.

6. Haverthwaites Drive has a very different character. The street is lined by dwellings on both sides and feels distinctly less open. Dwellings are more tightly bound to the street, and several properties feature buildings and structures within gardens adjacent to the street. This includes the appeal property, which has a detached outbuilding adjacent to the Haverthwaites Drive boundary that is larger than the building subject to the appeal. I therefore find no unique characteristics specific to the appeal site that weigh in favour of the development.
7. The new garden room / work space sits within a corner of the front garden, close to the front boundary and to the right-hand side when viewed from Main Street. Whilst not directly in front of the main front elevation of the dwelling, it sits prominently forward of the building line and is visible in the Main Street streetscene, particularly in close-up views where its visual impact is not softened by landscaping. From such viewpoints the building appears as an uncharacteristic and disproportionate feature in the street frontage.
8. The outer layer of the building comprised of weatherproof sheeting at the time of my visit. As such, the building I viewed was not fully representative of the finished development, which is proposed to feature timber cladding. However, the use of timber cladding would not mitigate the adverse effects on the character and appearance of the area through the building's size, siting and prominence.
9. As part of my site visit, I viewed the local examples of outbuildings in Figure 8 of the appellant's statement. However, there are notable differences between the buildings themselves and the character of the area within which they are located when compared to the appeal proposal. As such, these examples provide no reason to alter my findings outlined above.
10. For the above reasons, I conclude that the development results in harm to the character and appearance of the area, which conflicts with the aims of Saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (the 'LUDP'), and Policies P10 and P12 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019) (the 'CS'), which together require developments to provide good design that is appropriate to the location, and conserves and enhances the distinctiveness of townscapes and landscapes. There is also conflict with the Householder Design Guide Supplementary Planning Guidance (the 'HDGSPG') which has similar aims.

Living Conditions

11. The appeal site sits on raised ground above No 14A Haverthwaites Drive. From the external wall of No 14A, the ground slopes upwards through the garden, which includes an outdoor seating area, to a close-boarded fence on the boundary between the properties. Crossing the boundary to the appeal site, the ground level continues to slope upwards between the fence and the building.
12. There are windows on the elevation of No 14A facing the appeal building. Due to the building's distance from the boundary and the fact it sits on higher ground again, the building is prominently visible above the close-boarded fence

from the neighbouring windows, outdoor seating and garden areas. The cumulative effect of the scale of the building, its positioning and the raised ground level, is a dominant and overbearing development that is intrusive to outlook from the windows and garden areas of No 14A.

13. For the above reasons, I conclude that the development results in harm to the living conditions of neighbouring occupiers as a result of loss of outlook, which conflicts with the aims of Saved Policy GP5 of the LUDP and Policy P10 of the CS, which together seek to ensure developments protect residential amenity. There is also conflict with Policy HDG2 of the HDGSPG, which has similar aims.

Conclusion

14. The proposed development fails to accord with the policies of the Development Plan as a whole and there are no other considerations that outweigh this conflict. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR