



Appeal Decision

Site visit made on 11 October 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2022

Appeal Ref: APP/N4720/W/22/3296899

51 Breary Lane East, Bramhope, Leeds LS16 9EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M McCarthy against the decision of Leeds City Council.
 - The application Ref 21/10128/FU, dated 16 December 2021, was refused by notice dated 11 February 2022.
 - The application sought planning permission for a replacement detached dwelling: detached triple garage to front: alterations to hardstanding and vehicular access including new entrance gates without complying with a condition attached to planning permission Ref 20/04735/FU, dated 15 October 2020.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
 - The reason given for the condition is for the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appellant wishes to vary condition 2, to replace the flat roof on the proposed triple garage with a pitched roof and to add an external stone staircase with an integral store, to the north elevation of the proposed garage.
3. The main issues are the effect that varying the condition would have on:
 - The character and appearance of the area, including the setting of the Bramhope Conservation Area (CA); and
 - The living conditions of the occupiers of the neighbouring property at 49 Breary Lane East, with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal site forms part of a linear street, featuring large, detached dwellings, set back from and facing the road with driveways to the front. The dwellings tend to sit behind boundary walls and hedges, nevertheless, there remains a spacious and open fronted feel to the street scene. The street features dwellings of various designs, forms and layouts, including prominent gables. There is no defined building line on the street and some of the

dwelling feature garages to the front of the properties. I acknowledge that there are garages in the street that include pitched roofs and some at one and a half storeys in height. However, from my site visit I observed in the appeal site vicinity, that garages that sit to the front of dwellings are single storey with flat roofs. These garages tend to sit behind boundary hedges and due to their modest height and simple design, do not stand out within the street scene.

5. Whilst the proposed pitched roof would not increase the footprint of the garage on the site, it would increase the height, so that it would sit well above the boundary hedges and would be readily visible from public views for some distance along the street. Its design, scale and siting in such a prominent position, on the boundary with the adjoining property, and close to the front boundary adjoining the road, would stand out as dominant and incongruous. This would give rise to a prominent feature that would be significantly at odds with the open fronted nature of the street scene.
6. The appeal site lies directly adjacent to the CA, which includes the dwellings to the south of Breary Lane East, directly opposite the appeal site. Paragraph 206 of the National Planning Policy Framework (the Framework) states that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or better which reveal its significance) should be treated favourably. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced.
7. The Bramhope Conservation Area Appraisal and Management Plan (2001) (CAA) states *that 'wide streets, grass verges and large front gardens create open areas and space which complement the open nature of the surrounding countryside. This character of the space further emphasises the difference between the historic core, and the planned suburban developments which followed.'* The open fronted nature of the street scene along Breary Lane East, sitting back from the road, behind wide grass verges, front gardens and drives, contributes to the character, appearance and significance of the CA.
8. In view of the above, the proposal would fail to preserve the setting of the CA. The harm that would arise would be localised and therefore the impact on the CA as a whole would be less than substantial when considering the provisions of the Framework. In such circumstances the Framework states that harm should be weighed against the public benefits of the proposal. The proposal would provide space for a playroom, which is a largely private benefit and is not sufficient to outweigh the harm that I have identified to which I am required to give great weight.
9. Thus, my conclusion is that the amendment proposed would have an adverse effect on the setting of the CA, and in doing so would fail to preserve the setting of the CA. The proposal would cause less than substantial harm to the significance of the CA and in the absence of any public benefits to outweigh this harm, would be in conflict with Policy P11 of the Leeds Core Strategy (as amended 2019) (Core Strategy) and Policy N19 of the Leeds Unitary Development Plan Review (2006) (UDP), which require development to conserve and enhance the historic environment and its settings. It would also conflict with paragraph 200 of the Framework, which states that any harm to

the significance of a designated heritage asset from development within its setting should require clear and convincing justification.

10. In addition, the amendment proposed, by virtue of its design and position in the street scene, would unacceptably harm the character and appearance of the area. This would be contrary to Policies P10 of the Core Strategy, Saved Policies GP5 and BD5 and Policy N19 of the UDP and the Framework which seek to secure high quality design that enhances or reinforces local distinctiveness.

Living conditions

11. The proposed amendments would significantly increase the roof height of the proposed triple garage, which sits directly adjacent and forward of the building line of 49 Breary Lane East. As stated by the appellant, there would be no direct views between the rooflights in the proposed garage and any habitable windows due to the angle of the roof and their position.
12. Nevertheless, I consider that the height of the proposed pitched roof, in such close proximity, would have a significant enclosing effect on the outlook from the front of No 49. Looking at the trackpath of sunlight, whilst I appreciate that No 49 benefits from a wide frontage, the proposal would overshadow the large ground floor window and part of the front garden area and driveway and would result in the loss of sunlight to an unacceptable degree.
13. In these circumstances I conclude that the loss of light and the overbearing outlook would cause significant and unacceptable harm to the living conditions of the occupiers of No 49. The proposal would conflict with the amenity protection aims of Policy P10 of the Core Strategy, Saved Policy GP5 of the UDP and the Framework.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

C Megginson

INSPECTOR