



Appeal Decision

Site visit made on 8 November 2022

by C Megginson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2022

Appeal Ref: APP/N4720/W/22/3301855

Land Adjacent to 2A Park Avenue, Leeds LS8 2JH

- 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 and Mrs Mughal against the decision of Leeds City Council.
 - The application Ref 21/05664/FU, dated 21 June 2021, was refused by notice dated 18 March 2022.
 - The development proposed is described as the construction of a single dwelling over two stories.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are a) whether the proposed development would preserve or enhance the character or appearance of the Roundhay Conservation Area (CA); and b) the effect of the proposed development on the delivery of biodiversity net gain and tree cover.

Reasons

3. The appeal site is located within the grounds of 2A Park Avenue, an existing two storey Victorian Villa, and within the Roundhay Conservation Area (CA). The Roundhay Conservation Area Appraisal (CAA) identifies the site as located within character area 4 and No 2A is identified as a positive building.
4. The CAA highlights that the pattern of development of Park Avenue, is that of large plots for individual villa development, and that smaller scale coach houses, stables and servant accommodation would lie to the rear of the main residences. The CAA recognises that more recent infill development takes its cue from the traditionally subservient building forms, with some larger scale apartment development, such as that adjacent to No 2A, emulating the large villas themselves.
5. The appeal proposal would be a large single detached dwelling within the grounds of 2A. Whilst this would have a smaller overall width than the previously approved scheme, it would nevertheless, cover almost the full width of the appeal site and due to its overall large scale and massing, would not be viewed as subservient to the adjacent villa. This would stand out as incongruous, compared to the prevailing pattern of development, and as a result, would have a harmful effect on the character and appearance of the CA.

6. The CAA recognises that there is more diversity of house design in this character area including, amongst others, details such as turrets, lanterns, intricate chimneys, dormers and ornate doorways. I appreciate that the detailing and materials proposed may be consistent with recently approved properties in the vicinity of the appeal site and that the appeal proposal would include details such as stone banding to the chimney and mock panelling to the gables. However, the appeal proposal would also feature large scale window and door openings, including an oversized garage door. These would appear as dominant features on the front elevation of the dwelling and would jarringly contrast with the smaller scale architectural features of the adjacent property and those in the surrounding area.
7. The CAA goes on to state that planted trees provide the dominant feature of the area and that Park Avenue is defined by mature planting in front gardens. The appeal proposal would include the removal of a single tree in the centre of the site and a small group of trees along the rear boundary. All of the trees within the front garden will remain and consequently, the proposed removal of a small number of trees, when viewed in the context of the dense tree planting to the front of the appeal site, would not result in harm to the character and appearance of the CA.
8. 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 National Planning Policy Framework (the Framework). In such circumstances the Framework states that harm should be weighed against the public benefits of the proposal. Benefits in this case, put forward by the appellant, are that the proposed dwelling would meet their requirements for a five-bedroom property. These benefits are largely private, and, as such would not outweigh the harm that I have identified, to which I am required to give great weight.
9. Thus, my overall conclusion is that the proposal would have an adverse effect on the character and appearance of the CA, and in doing so would fail to preserve the character and appearance of the CA. The proposal would cause less than substantial harm to the significance of the CA and public benefits would not outweigh this harm. As such, the proposal would be in conflict with Policies P10, P11, and P12 of the Leeds Core Strategy, as amended 2019 (the Core Strategy), Saved Policies GP5, BD5 and N19 of the Leeds Unitary Development Plan 2006 (UDP), the Neighbourhoods for Living Supplementary Planning Guidance (SPG), and the Roundhay Conservation Area Appraisal, which seek to secure high quality design that enhances or reinforces local distinctiveness.

Biodiversity net gain and tree cover

10. Core Strategy Policy G9 sets out, in summary, that development will be required to demonstrate an overall net gain for biodiversity commensurate with the scale of the development. The appellant has not demonstrated how such an overall gain would be achieved and therefore the appeal proposal would conflict with the aims of this Policy.
11. In relation to tree cover on the site, as noted above, the appeal proposal would include the removal of a single tree within the centre of the appeal site and a grouping of six trees along the rear boundary. In addition, the appeal site

contains a large number of trees which would be retained as part of the proposals.

12. Natural Resources and Waste Development Plan Document Policy LAND2 states, in summary, that development should conserve trees wherever possible and where removal of existing trees is agreed in order to facilitate approved development, suitable tree replacement should be provided on a minimum three for one replacement to loss.
13. The appellant states that the previous permission on the site did not raise any concerns relating to the removal of the same trees. They highlight the additional hedge planting that has taken place and that they are happy to carry out additional tree planting and consider that this could have been secured via planning condition.
14. The council states that the replacement of the trees on a three to one basis, on the site itself, would not be desirable in this case, due to potential impacts on residential amenity. The appeal proposal does not include a three for one replacement on site, and at present, in the absence of alternative offsite provision or a financial contribution for tree planting elsewhere would conflict with Policy LAND2, the SPG and the Councils Guideline Distances from Development to Trees Document.

Conclusion

15. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
16. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

C Megginson

INSPECTOR