



Appeal Decision

Site visit made on 19 September 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2022

Appeal Ref: APP/N4720/W/22/3303729

34 Acre Road, Middleton, Leeds, LS10 4EW

- 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 Willis against the decision of Leeds City Council.
 - The application Ref 22/00843/FU, dated 4 February 2022, was refused by notice dated 1 April 2022.
 - The development proposed is a Detached Garage for Flats 1 and 2.
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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 surrounding area; and
 - the living conditions of the occupiers of No. 2 Thorpe Avenue, with particular regard to outlook and sunlight.

Reasons

Character and appearance

3. 34 Acre Road is one of a pair of semi-detached houses at the corner of Acre Road and Thorpe Street. The overall pattern of streets is regular with rows of dwellings, but the corner plots are more spacious which contributes to an open character and appearance of the area. A gated vehicular access to the side of the site leads to a fenced area of hardstanding at the rear. Although there is a large social venue and its car park to the rear, the site is predominantly seen in the context of the adjacent residential properties, and this neighbouring site does not, therefore, strongly influence the appeal site context itself.
4. While sited to the rear and side of No.34 as required by the Council's Householder Design Guide Supplementary Planning Document April 2012 (HDG), the garage would practically fill the fenced rear area and extend almost to the boundaries of No.34 and the attached 2 Thorpe Road. Its irregular form would be at odds with the simple pitched-roof form of the surrounding residential buildings. It is not characteristic of a domestic garage, and although based upon the needs it is intended to serve, it would be higher than the majority of nearby boundary fences the bulk and large scale of the building would be seen from Acre Road and significantly erode the space at this open corner and street scene.

5. Although the garage would have a flat roof design incorporating suitable materials, these aspects do not lessen the effect the proposal would have. Whether or not the guidance of the HDG should be applied, I do not agree its intentions would permit development, as required by its intention, if harm has been identified.
6. The proposal would therefore, appear as a dominant incongruous feature within the residential area. These findings indicate that it would be contrary to Leeds Unitary Development Plan (Review 2006) (UDP) Policies GP5 and BD6, and Local Development Framework Core Strategy (as amended 2019) (CS) Policy P10 and the HDG which together require developments, amongst other matters, to provide good design that is appropriate to its location, scale, and function. Moreover, the proposal conflicts with the design aims of the National Planning Policy Framework (the Framework) set out within paragraph 130 to ensure developments are visually attractive as a result of good architecture, layout and sympathetic to local character.

Living conditions

7. No.34 shares a common side boundary with No.2 Thorpe Street. The private rear garden of No.2 is a triangular shape, restricting its size and meaning that it is relatively small compared to many others nearby. The garage would occupy most of the length of the shared boundary with this garden, enclosing one side of it. Although the existing boundary is substantial and includes some vegetation, the additional height above the existing fence would be clearly visible for the occupiers of No.2 from the garden. The relative positions of the garden and garage would further affect the level of afternoon sunlight entering the garden to the detriment of the living conditions of the occupiers of No.2.
8. I therefore find the proposal would have an adverse impact on the living conditions of the occupiers of No. 2 Thorpe Avenue, with particular regard to outlook and sunlight. Consequently, the proposal is contrary to UDP Policy GP5 and CS Policy P10 which seek to protect residential amenity and This policy is consistent with Paragraph 130 of the Framework which requires that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

9. A garage might lead to greater security for the occupiers of the flats of No.34, there is no substantive evidence that the existing fences and gates provide inadequate levels of security. This is, therefore, of little weight in my decision. A lack of harm to the living conditions of the occupiers of No.32 and No.34, parking provision and highway safety are neutral matters.

Conclusion

10. For the reasons given above and having regard to all other matters raised, there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. I conclude that the appeal should be dismissed.

K Williams
INSPECTOR