



Appeal Decision

Site visit made on 13 December 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/N4720/W/22/3307489

27 Gillroyd Terrace, Wide Lane, Morley, Leeds LS27 8DD

- 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 Rhoud against the decision of Leeds City Council.
 - The application Ref 22/04520/FU, dated 29 June 2022, was refused by notice dated 25 August 2022.
 - The development proposed is installation of 2no. 20ft containers to rear of Premier shop for use as storage space.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of 2no. containers to rear of Premier shop for use as storage space at 27 Gillroyd Terrace, Leeds LS27 8DD in accordance with the terms of the application, Ref 22/04520/FU, dated 29 June 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan SK(00)02; Site Plan SK(00)01 Rev 1.
 - 3) Within 3 months of the date of this decision, details of landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - planting plans;
 - written specifications (including cultivation and other operations associated with plant and grass establishment);
 - schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - a timetable for implementation; and,
 - a landscape management plan (including long-term management and maintenance schedules).

All planting or seeding comprised in the approved details of landscaping shall be carried out in accordance with the agreed implementation timetable; and any trees or plants which within a period of 5 years from the date of first planting and/or seeding die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The landscaping shall thereafter be maintained in accordance with the agreed landscape management plan.

Preliminary Matters

2. I have amended the description of development in the decision above from that set out in the banner heading above which has been taken from the planning application form. The amended description leaves out wording that is unnecessary to describe the development.
3. At my site visit I observed that a timber structure had been constructed to the rear of an existing single storey extension on the site. This encloses the area in which I understand the 2 containers area sited. However, as the area behind the timber fence was inaccessible from outside the site and within the host building, I cannot be certain that what has been built is fully in accordance with the plans before me. I have therefore assessed the development as shown on the plans (and therefore referred to the 'development proposed' throughout this decision). Any discrepancy between the plans and what is built is for the main parties to resolve as necessary.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site is a convenience shop located within a terraced row in a suburban location on the edge of Morley. The immediate area is characterised by a variety of mostly residential properties of differing age and forms. The terraced block within which the appeal site sits is traditional in character directly fronting a narrow pavement. The rear elevations of the terraced properties are relatively unaltered and contain very few extensions. The appeal property differs in that it is a commercial premises which includes a single storey extension to the rear along with an area of vegetated outdoor space.
6. The terraced row sits at a higher land level to more recent residential development to the rear. Consequently, clear views towards the rear elevations and gardens of the terraced block, including the appeal site, are obtainable from many of the dwellings, gardens, driveways and access roads located within the residential development to the rear.
7. The proposed containers would be screened by the timber enclosure to three sides and the development would extend rearwards from an existing single storey extension to the building. Pedestrian access to the rear of the property is through a ginnel between Nos.28 and 29 Gillroyd Terrace or from external steps leading from the existing extension. However, no access to the proposed storage containers would be obtainable from the outdoor area at the rear of the site. The information submitted by the appellant states that it is proposed to provide access to the containers from within the convenience shop.
8. Whilst the development would result in the rearward expansion of built form in close proximity to the adjacent rear gardens of 43 Millside Walk and 22 The Gills and would be clearly visible from these and other surrounding residential properties, the timber screening would completely conceal the containers. Timber fencing is a common feature within rear gardens and as such, I find the development and its surrounding timber enclosure would not be starkly at odds with the prevailing mixed character of the area, nor appear as a visually intrusive feature.

9. The development would be somewhat screened from neighbouring properties along the terrace by the existing single storey extension along with fencing to the side boundaries of the appeal site. Although the development would be prominent in views from the rear, once native hedging along the rear boundary of the appeal site matures, the appearance of the timber enclosure, along with existing unsightly refrigeration units, would be softened. This would offer a modest improvement to the appearance of the existing rear elevation and external area of the appeal site. A condition would be imposed to require details of the hedging along the rear boundary to be agreed and retained.
10. For the above reasons, I conclude that the development would not have a harmful effect upon the character and appearance of the surrounding area. Accordingly, I find no conflict with Policy P10 of the Core Strategy (amended 2019) and Policies GP5 and BD5 of the Leeds Unitary Development Plan (Review 2006) and the Framework¹, which together, require development to be appropriate to its context with particular regard to, amongst other things, size and scale and to also protect the visual, residential and general amenity of the area through high quality design.

Other Matters

11. I have had regard to matters raised by a neighbouring resident regarding the removal of trees on the appeal site. Whilst this may be unfortunate, I have no information before me that such trees were protected by a Tree Preservation Order. I have considered the appeal on the evidence before me and the planning merits of the appeal scheme.

Conditions

12. I have considered the suggested conditions and comments from the Council and had regard to Paragraph 55 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. As I cannot be certain that what has been constructed on the site is fully in accordance with the plans submitted, in addition to the standard time limit condition, I have imposed a condition requiring the development is carried out in accordance with the approved plans. This is necessary to provide certainty and to clarify the elements of the scheme that have been considered.
13. To protect the character and appearance of the area and enhance biodiversity, as limited details of the hedgerow planted along the rear boundary have been provided and to ensure the proper establishment of appropriate native hedging, I have imposed a landscaping condition. The Council's suggested condition to limit the development to one year is unnecessary given my findings on the main issue.

Conclusion

14. The development accords with the development plan as a whole and there are no material considerations that indicate that a contrary decision should be taken. Therefore, for the reasons given, the appeal should be allowed.

A Veevers

INSPECTOR

¹ National Planning Policy Framework 2021