



Appeal Decision

Site visit made on 25 January 2023

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/N4720/D/22/3306945

Dene Cottage, Linton Lane, Linton, Wetherby LS22 4HL

- 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 & Mrs Jamieson against the decision of Leeds City Council.
 - The application Ref 21/08381/FU, dated 8 October 2021, was refused by notice dated 23 June 2022.
 - The development proposed is the conversion of existing garage, amendments to porch, construction of a new detached garage with home office above, creation of a widened access and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing garage, amendments to porch, construction of a new detached garage with home office above, creation of a widened access and associated landscaping at Dene Cottage, Linton Lane, Linton, Wetherby LS22 4HL in accordance with the terms of the application, Ref 21/08381/FU, dated 8 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: JAM1218.SD6.1 REV8; JAM1218.PL4 REV1 and JAM1218.PL5 REV2.
 - 3) The materials and finishes to be used in the external surfaces of the development hereby permitted shall match the existing dwelling.
 - 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out in accordance with the approved details and retained for the duration of works on site.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
 - 5) Prior to the first use of the development hereby permitted, details of replacement tree planting, on a three for one basis, shall be submitted to and approved in writing by the local planning authority. The planting shall be carried out in accordance with the approved details in the first

planting season following the completion of the development hereby permitted or at another time so agreed in writing by the local planning authority.

Preliminary Matter and Main Issues

2. The focus of the Council's reasons for refusal is the proposed detached garage with room over which would be situated to the front of the plot, adjacent the road edge boundary. Indeed, the officer report explains that, owing largely to their degree of visual obscurity, the proposed alterations to the dwelling itself would not give rise to harm. I have no counter evidence to lead me to a different conclusion. In addition, the Council have expressed concern over the potential loss of trees in regard to both of the main issues of the appeal, albeit for slightly different reasons. There is therefore, inevitably, some overlap in my findings.
3. With the above in mind, there are two main issues. These are whether the detached garage would a) preserve or enhance the character or appearance of the Linton Conservation Area; and b) result in the unacceptable loss of trees.

Reasons

Linton Conservation Area (LCA)

4. The appeal building is a substantial detached two storey dwelling finished in stone and painted render, materials which are prevalent in the LCA and thus contribute strongly to its significance. Whilst set into its overtly verdant plot, it is visually prominent due to the local topography. Planting in the form of mature trees and hedges within plots and to their respective boundaries is a strong feature of the street scene. Architecture within the LCA is varied but retains a traditional and largely conventional appearance. Plot sizes also vary, and immediately local dwellings tend to be on the larger side. Outbuildings feature, some closer to the road edge than their host.
5. As well as a feature of the street scene, mature trees and planting contributes positively to the significance of the LCA, as does its tight, dense and clustered feel in terms of buildings but with, taking the verdant features into account, a sense of openness and naturalness. In some cases, both primary and secondary buildings are close to the road edge, garnering a contrasting enclosed feel. The landscape in which the settlement finds itself is undulating which gives some structures, the appeal building included, a degree of visual prominence. There is limited opportunity for pedestrian traffic around the appeal site and the settlement more generally, views therefore of buildings tend to be fleeting from passing vehicles. There is a key view, according to the LCA Appraisal, across the front of the appeal building and down the hill from a linking public footpath to the north, which takes in a high quality vista of the local cascading roofscape as it features to the south.
6. The placement of a building forward of the dwelling would not therefore be an alien feature in the street scene. It would be of some scale and thus substance but, in the context of the dwelling, more than subservient. Moreover, it would appear so given it would be built partially into the land as it rises north across the plot. It would use a pitched roof which would be reflective of the traditional form of similar local buildings. The scale of the building relative to the plot

would retain a sense of openness, whilst at the same time nodding to the more enclosed feel of buildings closer to the street edge.

7. There is little doubt that the building would be visible from the street, even with the retention of some of the plot's trees but, this is not an unusual arrangement and, put simply, change does not always equate to harm, particularly given, in this case, the placement of the garage would not interrupt one of the defined key views of the LCA Appraisal. The absence of footways in the vicinity of the appeal site would temper the sensitivity of public views of the proposed development in any case, given the fleeting nature of them from passing vehicles.
8. Three trees would be removed from the site. These are shown on the relevant plans as T1, T2 and T6. The more mature and visually prominent ones on the frontage, namely T3, T4 and T7 would be retained. As would the existing hedges to the road boundary and along the boundary of the public footpath to the north.
9. There is some disagreement between the plotted Route Protection Areas (RPA) for the retained trees and whether they would, consequently, be affected by the development. In the case of the location of T3 and T4, it seems reasonable to me that their RPA would be irregular due to the historic location of retaining walls. In addition, some trial digging has indicated they are sufficiently accurate to, in part, drive an appropriate location for the garage clear of them and that root spread, more generally, is sufficient for the trees' future health. Their respective canopy may overhang the location of the garage and thus some management would be required going forwards. Arguably however, this would be better for the longevity of the respective tree. In addition, and since they are to be retained through this scheme, the Council would have ultimate say over whether they could be felled or even managed in the future through the written consent procedure a landowner would have to request for works to trees in a conservation area.
10. In regard to T7, its own RPA would be affected by the proposed widening of the access and the increased areas of hardstanding. I have no compelling evidence however to suggest that the solution advanced by the appellant's assessments to safeguard the existing health and thus future of T7 would not be effective. I am also acutely aware, having visited the site and exited the existing driveway in reverse due to the lack of sufficient in site turning space, the widened area of hardstanding and improvements to the access would be a significant betterment in highway safety terms.
11. Whilst it is mature trees that in the main contribute positively to the significance of the LCA, the appellant has proposed a replacement of the number lost through the proposed development on a three for one basis, in response to the requirements of the development plan. Depending on the age of specimens planted, it may take some time to establish and thus be as notable as those being removed but, in time and with the support of those remaining, I am confident that the overriding verdant qualities of the LCA would be preserved. As would, with this and the above in mind, the character and appearance of the LCA.
12. As such, the proposed development would accord with Policies G2, G9, P10, P11 and P12 of the Leeds City Council Core Strategy Selective Review (CS) (2019), saved Policies GP5, LD1 and N19 of Leeds Unitary Development Plan

Review (UDP) (2006), Policy A1 of the Linton Neighbourhood Plan (2018), Policy HDG1 of the Householder Design Guide Supplementary Planning Document (2012), the principles of the LCA Appraisal and the aims of section 16 of the National Planning Policy Framework (2021).

13. Together, and amongst other things, these policies and guidance seek to ensure that new development is of a high quality and contextually appropriate design and appearance which recognises and reinforces local distinctiveness and conserves and enhances the historic environment, conservations areas specifically. They also require landscaping in development to provide visual interest and reflect the character of an area.

Loss of Trees

14. I have set out in my findings above the effect of the loss of trees in the context of the LCA. The Council's second reason for refusal considered their loss in a biodiversity context with specific regard to net gain, air pollution and climate change more generally. Policy G9 of the CS sets out that development will be required to, amongst other things, demonstrate overall biodiversity enhancements and net gain. The matter of pollution is a consideration of saved Policy GP5 of the UDP albeit the policy is worded so as to ensure that account is taken of such matters and they be resolved.
15. It strikes me that, in accordance with other policies, the replacement of lost trees on a three for one basis would ensure that what was provided by them would be at the very least replaced, if not improved at the best. Such replacements and enhancements also have the capability to provide biodiversity net gain at the appeal site. G9 does not set out an explicit degree or level of enhancement and as such, compliance with required replacement measures (three for one) has to be considered sufficient.
16. I am therefore content that the appeal scheme would satisfy the requirements of Policy G9 of the CS and saved Policy GP5 the UDP as I have set them out.

Conditions

17. I have had regard to the conditions suggested by the Council on the questionnaire and additional documents. I have made some changes in the interests of clarity and enforceability. I have set out the timescale for the commencement of works as well as the approved plans which, for consistency, are the ones on which the Council based their decision. The Council suggest a materials condition is not necessary but in the absence of sufficient detail on the plans or the application form, I have set out that they should match the dwelling to be certain of a contextually appropriate end result.
18. The Council have suggested further conditions pertaining to protected trees and works thereto. Given the nature of the appeal site and the relative importance of the protected trees thereto, as well as the LCA in wider terms, it is reasonable to impose them. Due to the requirements of such conditions, there are details that would need to be sorted prior to the commencement of development. I have also required a scheme for replacement planting on the basis suggested by the appellant, to ensure it is carried out in the interests of the LCA and biodiversity net gain. It would be sufficient for this to be agreed prior to the first use of the development and implemented in the first available

planting season following completion or at such a time as agreed with the local planning authority.

Conclusion

19. For the reasons set out, the appeal scheme would comply with the development plan. The appeal should therefore be allowed and planning permission granted, subject to the conditions set out.

John Morrison

INSPECTOR