



Appeal Decision

Site visit made on 1 August 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Appeal Ref: APP/N4720/D/23/3320749

Rosehurst, Margaret Avenue, Bardsey, Leeds LS17 9AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Andrew Wright against the decision of Leeds City Council.
 - The application Ref 22/08221/FU, dated 9 December 2022, was refused by notice dated 24 March 2023.
 - The development proposed is described as, 'extension of garden area over steeply sloping ground, to width of plot, by provision of terrace decking on steel framework, together with creation of adjacent garden room. Retrospective application for works which have been started without consent. Case 22/00945/UHD2'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the above banner heading has been taken from the original application form. The decision notice includes for a balustrade above to rear, and I have determined the appeal accordingly.
3. The works as set out above have been partly constructed. As such, the appeal has been assessed on a partly retrospective basis.

Main Issue

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

Reasons

5. The appeal site relates to land which forms part of the garden area located to the rear of the detached residential property known as Rosehurst. The dwelling forms part of a row of other residential properties that front Margaret Avenue with long and wide gardens to the rear. They are set in an elevated position above Wetherby Road which is a busy road that runs along the rear of the properties. The rear garden area slopes down to a steep bank that sits adjacent to Wetherby Road. A high boundary fence has already been erected to the rear boundary although this does not form part of the current appeal.
6. Wetherby Road is a green corridor of mature trees, hedges and shrubs that line both sides of the road covering a considerable length which contributes positively to the character and appearance of the area. The garden areas backing onto this side of the road are generally free from any built form and there are very few structures that sit along the boundary to the rearmost part

- of the garden areas, adjacent to Wetherby Road. Consequently, only glimpses of the dwellings are seen behind the existing vegetation at a set-back level.
7. Given the topography of the land, the terrace decking and garden room once fully complete would sit on a raised steel platform behind the rear boundary fence. It would sit at a higher level than Wetherby Road and would be enclosed by a balustrade.
 8. Due to the site's location adjacent the road and its elevated position against the rear boundary, the proposed development would be highly visible when viewed from Wetherby Road. The existing fencing would screen the decking area from views and overall, the decking area and balustrade are of lesser concern. However, the height of the garden room would extend considerably above the fencing and this, along with its significant depth and width would result in a bulky building that would be visually prominent within the street scene, appearing as inconsistent within this existing landscaped context. The use of materials would not overcome this harm as it would still result in a sizable building in an elevated position which would be unduly dominant and intrusive at this level, to the detriment of the appearance of the street scene when viewed from Wetherby Road.
 9. I appreciate that the existing vegetation does help to screen the development. However, I am not convinced that the current level of screening would exist all year around. I also appreciate that the bend in Wetherby Road restricts forward visibility for motorists including public transport and note the comments made in relation to the attention of drivers. However, the development would still be visible from certain viewpoints and by those on foot even if pedestrian movements are infrequent. The development would also be more noticeable in the autumn/winter months when the existing vegetation would be dormant. Such matters would not therefore change my findings.
 10. My attention has been drawn to works that have taken place at the property next door, 'Darroch'. However, at my site visit, there was no evidence of any developments directly comparable to the appeal before me and in any event would not justify further development that would be harmful to the character and appearance of the area. It is claimed that the development would be viewed against the backdrop of houses beyond and higher up the hillside and I have had due regard to the photographs submitted. Such properties including the Darroch backdrop which is a sizable property are located further back from the rear boundary and are read differently as part of the immediate street scene. The appeal before me relates to a sizable structure siting along the rear boundary close to the adjacent road at an elevated position. This increases its overall effect.
 11. For the above reasons, the proposed development would unacceptably harm the character and appearance of the surrounding area. It would therefore be contrary to Policies P10 and P12 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019), Policies GP5, BD6 and LD1 of the Leeds Unitary Development Plan (Review 2006) and Policies LRE1, BE1 and BE3 of the Bardsey cum Rigton Neighbourhood Plan which together, amongst other matters, explains that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. For the same reasons, the proposed development would also be

contrary to Policy HDG1 of the Householder Design Guide Supplementary Planning Document, 2012 and the aspirations of the National Planning Policy Framework relating to achieving well-designed places.

12. The appellant questions some of the referred to policies and overall relevance. However, given the nature of the proposals and location/setting, I have no reason to doubt the Council's assessment of such policies in considering the current appeal. Notwithstanding, the proposed development would still be contrary to other policies as set out and thus would conflict with the development plan when considered as a whole.

Other Matters

13. I note that the Council have not objected to the scheme in relation to residential amenity or highway safety. Based on the evidence in front of me and my own observations onsite, I have no reason to disagree with their overall conclusion on such matters. I also note comments made in relation to trees and landscaping. However, my assessment is articulated around the reason for refusal as set out on the decision notice and this matter would not affect my findings on the main issue.
14. I appreciate that the appellant wishes to expand the extent of usable garden area and note the claims regarding more efficient use of land. I also note that works stopped when the Council's concerns were raised. Additionally, I am also aware of the level of groundworks required for the development and appreciate restrictions in terms of access when considering works. However, such matters would not be sufficient to outweigh the harm identified.
15. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It is clear from the policies contained within the development plan that new development should be appropriate to its location, scale and function. Based on the evidence in front of me, I have no clear reason to consider the appeal proposals not in line with the development plan.

Conclusion

16. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR