



Appeal Decision

Site visit made on 10 August 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2023

Appeal Ref: APP/N4720/W/23/3324364

11 Lynwood Crescent, Woodlesford, Leeds LS26 8LJ

- 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 and Mr and Mrs Coxon and Dennison against the decision of Leeds City Council.
 - The application Ref 23/00304/FU, dated 9 January 2023, was refused by notice dated 29 March 2023.
 - The development proposed is 1x new dormer bungalow in gardens of 11 and 9 Lynwood Crescent.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The decision notice cites Policy DB1 of the Oulton and Woodlesford Neighbourhood Plan 2021-2033 (NP). The Policy referred to is indeed DBE1 and the Council has since confirmed this to be the case.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether the proposed development would provide satisfactory living conditions for future occupiers in respect of outlook; and
 - The effect of the proposed development on biodiversity, air pollution and climate change.

Reasons

Character and appearance

4. The appeal site is located within a residential area on land to the rear of 11 and 9 Lynwood Crescent. The properties form a pair of terraced properties that are divided in two by a timber fence which serves as the shared boundary treatment. The site fronts onto Lynwood Crescent which serves the rear driveways of the properties located along Aberford Road. It is close to a small footpath that gives access onto Aberford Road and is therefore highly visible from public viewpoints including neighbouring properties that surround the site.

5. The surrounding properties comprise similar pairs of two storey semi-detached houses which are generally set back from the road within narrow plots that are well spaced out from other pairs. Properties also benefit from both a front and rear garden area with a coherent arrangement of space and are neatly arranged within the street scene. All these aspects combine to give a clear and consistent pattern of development.
6. I appreciate that the appeal site previously accommodated a number of outbuildings although these have since been cleared. In its present form, the site has an open boundary treatment which provides for a sense of openness and spaciousness to the street scene.
7. In a similar way to their neighbours, the host properties benefit from a generous garden space to the rear. The proposed development seeks to reduce the rear garden space associated with the properties in order to construct a dormer bungalow.
8. Whilst the size of the plot subject to this appeal is relatively consistent with surrounding properties, it has an irregular shape in comparison to others which are generally rectangular in shape with properties forming pairs of terraced dwellings that largely front the main road with garden areas to the front and rear. The overall shape of the plot and relationship to its host properties constrains the layout and positioning of the proposed bungalow and associated access and parking provision. This means that the gable elevation of the bungalow would front the rear elevation of the host properties and would be sited closer to its boundaries to the north and east leaving small and contrived areas for amenity space to the front and side. This arrangement is very different in comparison to other nearby plots and thus would be inconsistent with the prevailing spatial character of the locality whilst diminishing the amount of space that exists between and around properties.
9. Moreover, the proposed development would construct a detached dormer bungalow which by reason of its scale, form and type would also be at odds with the surrounding properties and thus would interrupt the established pattern of development even if materials would match. The proposed dormer windows which are large in size would be a notable design feature on the front elevation of the property. These would not reflect the design of the surrounding properties and because of their overall size and position to the front elevation would stand out as a visually prominent anomaly in this particular street scene.
10. I accept that there are a number of bungalows within the surrounding area including dormer windows with a varying architectural style. However, these are few and far between and whilst located close by, they are not located along this part of Lynwood Crescent which the appeal site relates where there is a consistent pattern of development. I also acknowledge that there are other non-uniform plots in the area. However, many are not so dissimilar to the established character, and I am not convinced that either the positioning of the properties and areas of amenity space share the same similarities with the appeal site.

11. It is undisputed that two mature trees lie adjacent to the southernmost part of the site, and I note the Council's concern regarding the loss of these trees which make a positive contribution to the character of the area. The appellant has however confirmed that such trees are not located on the application site and would not need to be removed to facilitate the works. The trees are also located over 10 metres away from the proposed building. On this basis, I am satisfied that the proposed development would not lead to the loss of these trees or have a detrimental impact on such trees.
12. For these reasons, the proposed development would not unacceptably harm the trees located adjacent the site and thus would not be contrary to Policy GE2b of the NP in this regard. However, the proposed development would unacceptably harm the character and appearance of the surrounding area. As such, it would be contrary to Policies P10 and P12 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (CS) and Policy GP5 of the Leeds Unitary Development Plan (Review 2006) (UDP) which together, amongst other matters, requires 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, it would also be contrary to Policy DBE1 of the NP and the aspirations of the National Planning Policy Framework (the Framework) relating to achieving well-designed places.
13. The Council have cited Policy G9 of the CS within their first reason for refusal. This Policy relates to biodiversity improvements which I cover further in this decision.

Living conditions

14. The rear elevation of the proposed bungalow would be located only a very short distance to the boundary treatment to the east of the site. This elevation would contain a number of windows and doors which would serve the kitchen and dining room. I note the Council's concern in respect of outlook at ground floor to the rear of the property and whilst outlook would be restricted, the kitchen and dining room area would be open plan and there would be a french door to the south elevation where outlook can be had when utilising the kitchen and dining room spaces. A further window is also located on the south elevation and a larger window to the west which would serve the living room space but would lead into the dining room area. Consequently, I consider that overall, future occupiers would have sufficient outlook at ground floor level. The Council has also raised concern regarding levels of natural light although this did not form part of the reasoning for refusal. Notwithstanding, the open plan layout at ground floor and location of other windows as set out would provide for good levels of light generally.
15. I appreciate that due to the distance of the ground floor rear elevation to its boundary, it would be a breach against the guidelines set out within the Neighbourhoods for living – a guide for residential design in Leeds, 2003. However, the proposed development does not conflict with the key objective of the guidelines which amongst other matters, seeks to safeguard privacy and amenity.

16. For the reasons given above, I consider that overall, the proposed bungalow would provide acceptable living conditions for future occupiers in respect of outlook and would comply with Policy P10 of the CS and Policies GP5 and BD5 of the UDP which together, amongst other matters, requires all new buildings to be designed with consideration given to both their own amenity and that of their surroundings. For the same reasons, it would also comply with the aspirations of the Neighbourhoods for living – a guide for residential design in Leeds, 2003.

Biodiversity, air pollution and climate change

17. As discussed, two mature trees lie adjacent to the southernmost part of the site and the Council considers these trees to make a positive contribution to the biodiversity of the site. Given that the appellant has confirmed that the two trees would not need to be removed to facilitate the works and that they are some distance from the proposed bungalow, then there would unlikely be a notable harm to or loss of biodiversity and there would not be a requirement for replacement planting. For the same reasons, it would also not impact upon the wider air pollution and climate change objectives. Whilst Policy G9 requires development to provide an overall net gain for biodiversity, this is commensurate with the scale of the development and a suitably worded condition could achieve this were I minded to allow the appeal along with a condition relating to how construction would protect the off-site trees.
18. For these reasons, the proposed development would not cause harm to biodiversity and would comply with wider air pollution and climate change objectives. It would therefore accord with Policy G9 of the CS, Policy GP5 of the UDP, Policy Land2 of the Natural Resources and Waste Local Plan Development Plan Document, 2013 and Policy GE2b of the NP which together, amongst other matters, explains that development should conserve trees wherever possible. For the same reasons, it would also comply with the aspirations of the Framework relating to conserving and enhancing the natural environment.

Other Matters

19. The site is not located within a Conservation Area, and I recognise the accessible location of the site. The proposed development would not lead to a loss of privacy subject to the installation of boundary fencing and would retain amenity space for existing properties as well as providing amenity space for future occupiers. The property has been designed to cover the needs of a variation of end users and would create a modern high-quality home. However, such matters would not alter my findings on the main issues nor would matters relating to land value.

Planning Balance

20. The scheme would unacceptably harm the character and appearance of the surrounding area. It would therefore fail to fulfil the environmental objective of sustainability within the Framework. Although the proposal would not result in harm to the living conditions of future occupiers or

biodiversity, air pollution and climate change, the absence of harm is a neutral factor in the overall balance.

21. It follows that the proposal conflicts with the development plan and there are no material considerations which outweighs this conflict.

Conclusion

22. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal is dismissed.

N Teasdale

INSPECTOR