



Appeal Decision

Site visit made on 4 October 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/N4720/W/23/3324929

62 Town Street, Horsforth, Leeds LS18 4AP

- 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 Ms P Landor (DCD Trustees Ltd) against the decision of Leeds City Council.
 - The application Ref 23/01161/FU, dated 22 February 2023, was refused by notice dated 27 April 2023.
 - The development proposed is Proposed residential redevelopment of car park, retaining commercial premises, and creating 8 No. dwellings (5 No. 3- bedroom town houses, 2 No. 3- bedroom apartments and 1 No. 2- bedroom apartment), with associated under-croft car parking and landscaping, following demolition of modern rear extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's submissions include amended versions of proposed first and second floor plans and proposed elevations 1 and 2. Correspondence demonstrates that although the Council did receive these plans, it was around the same time that it made its decision and, the amended plans were not those it actually determined. The Planning Inspectorate's guidance¹ provides advice on the circumstances whereby amendments proposed during the appeal process can be taken into account. Amongst its advice, the guidance states that the appeal process should not be used to evolve a scheme. However, it further advises that amendments may be accepted at the appeal stage provided that they would not make a substantial difference to the proposal nor cause any unlawful procedural unfairness to anyone involved in the appeal process.
3. The amended plans firstly identify windows within an adjacent building that were previously not shown. This does not amount to an alteration to the proposed development itself. Furthermore, the amended plans propose that all, rather than some, of the proposed windows within the wall of elevation 1 would be obscurely glazed whilst at the side of the same building, a private outside space would be served by privacy screening. These amendments do not represent substantial or fundamental changes to the proposal nor are they of a nature that I find anyone would be prejudiced by the absence of any consultation having taken place upon them. Therefore, I have determined the appeal having regard to the amended plans.

¹ Procedural Guide: Planning appeals – England Updated 5 October 2023

4. The Council's second reason for refusal references the property 1 Feast Field. It is clear from the evidence before me that this was an erroneous reference, and that the Council's concerns related to 7 Feast Field. I have determined the appeal on this basis.

Main Issues

5. The main issues are:

- Whether the proposed development would preserve or enhance the character or appearance of the Horsforth Conservation Area;
- Whether appropriate living conditions would be provided for the future occupiers of the proposed development with particular regard to privacy and outlook, given the ground floor design; and
- The effect of the proposed development upon the occupiers of 7 Feast Field with particular regard to outlook and light.

Reasons

Horsforth Conservation Area

6. Horsforth Conservation Area (CA) has a largely linear form. Town Street is a key road running through it and forms a commercial centre with residential properties located on its periphery. Within much of the CA there is a quite dense built form with many terraced properties and rows of cottages but, there are also many mature trees and some areas of open space. Many buildings are traditionally designed, include some ornate architectural detailing and local stone, stone tile and slate are predominant building materials. The linear settlement pattern and the built form of the area, the mix of commercial and residential properties, the traditional design and material make-up of the buildings and the verdant character contributes positively to the character and appearance of the CA and its significance.
7. The appeal site contains a former public house building which fronts onto Town Street. The building is predominantly stone-built, has chimneys, stonework detailing to its window surrounds and eaves and, includes a feature projecting gable to the front elevation. Like many other properties fronting onto Town Street, the building is 2 storey. Although at the rear of the building there are more recent extensions and some boarded up windows, overall the building is very reflective of the character and appearance of the CA and contributes positively to its significance. The remainder of the appeal site principally contains a car park, an access road and a parcel of open space. As such, these parts of the appeal site do not share the same positive elements which are exhibited by the former public house or much of the rest of the CA. Nevertheless, the car park is one of several parking areas around Town Street and, although not reflective of the traditional street pattern in the area, it is representative of the CA's commercial activity which partly contributes to its character.
8. Sited to the rear of the former public house and the properties which adjoin it, views of the proposed buildings would be partly obscured from Town Street. Even so, views of parts of Elevation 3 would be available from the corner of Town Street and Feast Field with better views of it available from the pavement on Feast Field itself.

9. Proposed Elevation 3 includes the gable ends of the 2 building blocks proposed. The depth of the 2 building blocks would differ whilst their roofscapes would be asymmetrical. Providing the entrance point to the undercroft, Elevation 3 would include the vehicular and pedestrian entrances to the car park and thereby a large roller shutter, a door and cladding areas. The substantial blank side wall to a raised terrace, other lower areas of wall together with railings and balustrades would all also feature. These elements would combine to form a disjointed and unsympathetic north-west facing side to the proposed development.
10. The ground floor accommodation of the proposed townhouses would be accessed via the undercroft area with the windows facing Feast Field set low down. The second floor accommodation would be contained within the roofspace. As a consequence, in views from Feast Field, the row of townhouses would appear top heavy with a dominant roofscape. The houses would appear differently proportioned and out of keeping with most other buildings in the area which generally have less discernible differences between their eaves and roof ridge heights and proportionally taller front elevations.
11. The rear elevation of the proposed apartments would incorporate a recess, stepping the building partly away from the nearby site boundary and trees close by to it. In so doing, a somewhat unsympathetic break in the eaves level and this part of the roofscape would result.
12. The proposed development has been designed to address site and development constraints, including the sloping land it would be set upon, a desire to avoid on street parking and in order to limit the height of the development. However, for the above reasons, and within this context of many traditionally designed and apportioned properties, the proposed development would be unconventional and harmfully incongruous.
13. Sections of the Feast Field road have been repaired. As a result, it has a quite inconsistent appearance. The proposed resurfacing with Yorkstone would be beneficial. The proposed development may incorporate other high quality materials, include well landscaped areas, protect nearby trees and maintain some separation from the public house building. Laid out in a perpendicular manner to Town Street, I acknowledge that the arrangement of the building blocks would be sympathetic to the pattern of development within the CA. The heights of the buildings proposed would be quite similar to others in the area. However, given the harm I have identified above, the elements of the proposed development of more merit would be insufficient to ensure that it would represent high quality design overall.
14. I acknowledge that sections of the existing building proposed for demolition may be later additions to the property and not of merit. I also note that historically the site has contained buildings before, since demolished. Even so, for the reasons given above and taken in the round, the proposed development would fail to preserve or enhance the character or appearance of the CA. The harm to the designated heritage asset would be less than substantial.
15. Having regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the harm to the designated heritage asset is a matter of considerable importance and weight. In accordance with the National Planning Policy Framework (the Framework), the

harm to the designated heritage asset must be weighed against the public benefits of the proposal. I return to this later in my decision.

16. For the above reasons, the proposed development would be contrary to Policies P10 and P11 of the Leeds Local Plan Core Strategy (CS) and Policy N19 of the Leeds Unitary Development Plan (UDP). In summary, and amongst other matters, these policies state that development should provide good design which is appropriate to its context and which conserves and enhances historic assets. The proposed development would not respond positively to its surroundings and setting and therefore would represent an inappropriate form of infill development within the CA. This would be contrary to advice contained within the Horsforth Conservation Area Appraisal and Management Plan.

Living conditions of future occupiers

17. At ground floor, apartment A003 would be served by windows to a bedroom, gym and staircase within its south-west facing elevation. The staircase would not be a main living space within the apartment. Although the bedroom window would be situated close to the adjacent boundary wall the plans show that much of it would be set higher than the top of this wall. Although proposed to be obscurely glazed on the latest plans, if I were to allow the appeal, a condition could be utilised to ensure that this is not the case which would maximise outlook. Regardless, a second window serves this bedroom facing in another direction.
18. The gym is also served by 2 windows so, even if one was obscurely glazed, there would be another which would not. As both the bedroom and the gym would each be served by 2 windows, adequate outlook would be ensured and the rooms would be sufficiently pleasant spaces to be within and not unduly enclosed. The Council refer to a kitchen window within the same elevation. However, the kitchen is located at first rather than ground floor level and so it would be much higher up the elevation, would not be impacted upon by the adjacent wall and, again, it would be served by another window.
19. Given the windows proposed within the south-west facing elevation would be close to the common boundary with the adjacent land, I accept that a quite intimate relationship with this neighbouring land would be formed. However, the neighbouring site is predominantly used as a car park, is set on lower land whilst existing trees and planting provide some buffer between the car park and the proposed building. Consequently, the occupiers of apartment A003 would not be unacceptably affected by users of the adjacent land. I have no substantive evidence before me to suggest the adjacent land is likely to be redeveloped for another purpose. Given this, I afford limited weight to the prospect that the proposed development could prejudice the future uses of the adjacent land.
20. The bedroom/snug windows within the ground floor of the townhouses would be quite large but they would be set quite high above the floor level and would face enclosed landscaped spaces. The outlook from them would, I accept, be somewhat compromised as a result. The first floor of the properties would each be served by large windows at one end and large glazed doors at the other. This first floor would contain the living, kitchen and dining areas. Therefore, these rooms, where I expect much time would be spent by occupiers, would have good levels of outlook.

21. The highway users of Feast Field would be able to pass the ground floor townhouse windows but the landscaped areas to the front of them would provide separation and an area of defensible space. During my visit, I noted examples of basement windows within properties on nearby Kerry Street and, more widely, it is part of the character of the area that windows within terraced properties are sited next to pavements and roads. In this context, I find the level of privacy that would be afforded to the occupants of the bedrooms/snugs would be acceptable.
22. For these reasons, appropriate living conditions would be provided for the future occupiers of the proposed development with particular regard to privacy and outlook, given the ground floor design. In respect of living conditions, the proposed development would accord with content within Policy P10 of the CS and GP5 of the UDP, including that development should positively contribute to quality of life and should ensure appropriate levels of amenity. The development would accord with advice within the Framework including that at paragraph 130 which states that development should ensure a high standard of amenity for its users. The Neighbourhoods for Living Supplementary Planning Guidance contains some quite prescriptive guidance in relation to the design and layout of houses. I have had regard to this but, for the above reasons, find that the living conditions provided for future occupiers would be acceptable.
23. The Council raise some other matters relating to the living conditions of future occupiers including the separation between windows and the degree of overlooking of private outside space. However, the Council's reasons for refusal do not reference these matters. Therefore, I have not addressed them in this main issue.

7 Feast Field

24. 7 Feast Field is an office unit within a wider office park next to the appeal site. In the elevation flanking the appeal site, No 7 has 3 ground floor and 3 first floor windows. A fence runs beside the ground floor windows and already has some enclosing affect upon them, particularly the window nearest the building frontage where the fence steps up in height. On the appeal side of this fence the closest parts of the appeal site are largely open and free from built development.
25. Although the proposed apartment building would not be sited very far away from No 7, a gap would remain on both sides of the common boundary, ensuring some separation. Directly opposite 4 of the ground and first floor windows would be a ramped access and the raised garden areas of the proposed development not the main building blocks. This area would be much lower in height than either of the main buildings. The apartment building would be more directly opposite the remaining 2 windows. Even so, the end of this building would stop only a short distance past the windows. As a result, views from these windows beyond the apartment building would remain available.
26. In the proposal the largely open parcel of land next to No 7 would be replaced with the mass of the proposed development. I accept that as a result of this some reduction in outlook and, some reduction in the light entering the adjacent rooms of No 7 would take place. However, for the reasons given above the extent of this would be moderated by the proposal's design and by subsisting conditions. Any detrimental effect of the proposed development upon the occupiers of 7 Feast Field by reason of a loss of outlook and light

would not be significant and would remain acceptable. As a result, the proposed development would, in this respect, accord with content within Policy P10 of the CS and Policy GP5 of the UDP which require that development contributes positively to place making, avoids loss of amenity and ensures satisfactory sunlight and daylight. The Council also refer to UDP Policy BD6 in its refusal reasons, however, this policy relates to alterations and extensions of existing buildings, requiring them to respect the original building. As such, it is not relevant to this main issue.

Other Matters

27. The appeal site may be located close to services and facilities and, therefore, be an appropriate location for housing in general terms. Parking provision may be acceptable, as may the provision for servicing, waste and recycling. The site is not within a location the subject of a high risk of flooding and I have no reason to conclude that the development could not be served by an appropriate drainage system. However, the absence of harm in relation to these matters is a neutral factor in my determination and weighs neither for, nor against the proposal.
28. 79, 81 and 83 Town Street are Grade II listed cottages. They are traditionally designed, constructed of stone and front onto Town Street. I find that their traditional appearance, use of local building materials and their address onto Town Street which is reflective of the linear settlement pattern in the area, contributes to their significance. The cottages are located on the opposite side of Town Street to the appeal site. Given this, and that the demolition and newbuild proposed would take place at the back of the public house building I find that the proposed development would not have any strong relationship with the listed cottages. Its effects upon their setting would be neutral.
29. The appeal proposal is a resubmission of an earlier rendition of the scheme also refused by the Council. The appellant has questioned whether the Council have considered the resubmitted scheme on its own merits. However, such matters are of little relevance to my decision.

Balance and Conclusion

30. In the first main issue I have identified that less than substantial harm to the significance of the CA would result and, that there would be conflict with policies within the development plan. The Framework confirms that great weight should be applied to the conservation of designated heritage assets. The Framework also sets out, at paragraph 202, that where a development proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
31. The proposal would make use of brownfield land, would deliver 8 residential properties and provide a choice of homes including those designed to be accessible and adaptable. The contribution to housing supply would be quite modest but nevertheless valuable.
32. The proposed development would refurbish the existing vacant building on site. As a part of this, it may be that the commercial floorspace within the public house building would be more viable and suitable for occupiers. Provided occupation was forthcoming this would contribute to the commercial centre of Town Street including economically. However, the evidence before me to

demonstrate this greater viability and attractiveness to the market is not especially compelling and this limits the weight I can place upon it. The new occupants of the residential properties would support local facilities and some economic benefits would be derived from the construction phase of the development.

33. The proposal may also deliver an energy efficient development and provide electric vehicle charging points although it is not clear to me that in so doing the development would not simply be adhering to local plan policy requirements.
34. However, taken together and if I were to consider each of the above to be benefits of the development, given that the harm I have identified to the designated heritage asset is a matter of considerable importance and weight in my determination, the public benefits would be insufficient to outweigh the harm I have identified. Furthermore, it has not been shown to me that this particular proposal constitutes the optimum viable use for the site.
35. Therefore, and although I have identified that the effects of the proposed development in relation to my second and third main issues would be acceptable, this does not outweigh the harm I have identified in relation to the CA. The proposed development would accord with various development plan policies but, it would conflict with the development plan as a whole. I have had regard to other considerations material to the appeal including having regard to the content of the Framework but conclude that there are no such considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. The appeal is therefore dismissed.

H Jones

INSPECTOR