



Appeal Decision

Site visit made on 14 November 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/N4720/D/23/3327333

26 Lincombe Bank, Gledhow LS8 1QG

- 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 Nazneen Malik against the decision of Leeds City Council.
 - The application Ref 23/00146/FU, dated 20 April 2023, was refused by notice dated 18 May 2023.
 - The development proposed is described as, *'removal of single storey extension, replaced with 2 storey extension. Garage to frontage of property Extension of outbuilding to rear of property, including orangery'*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the above banner heading has been taken from the original application form. The decision notice also includes for alterations to windows to house and associated landscaping which I have had regard to.
3. The Council's second reason for refusal includes amongst others, matters relating to amenity which I have covered as part of my first main issue.

Main Issues

4. The main issues are:
 - The effect of the proposed garage to the front and associated landscaping works on the character and appearance of the host property and surrounding area; and
 - Whether the proposed green wall to the southeast side of the proposed garage to front would obstruct the public footpath to the eastern side of the site for users of the footpath.

Reasons

Character and appearance

5. The appeal property is a two-storey semi-detached property located along the northern side of Lincombe Bank within a residential setting. The surrounding properties share a uniformity of size, design and style and the topography of the land is such that the appeal property and its neighbours along this side of the road sit at an elevated position in comparison to the road and dwellings located opposite. The front amenity areas which are largely landscaped with shrubs and hedging slope downwards towards the road and are enclosed to the

front mainly by low level walls, fencing/gates and include a significant number of hedging providing an overall soft appearance to the street scene. The neighbouring properties to the east are set much further back from the road behind an area of public landscaping and a stepped footpath is located to the eastern edge of the appeal property. This set back and area of landscaping allows for clear views of the gable of the property and its side boundary when approaching the site along Lincombe Bank from the east.

6. Unlike many other properties nearby, a tall red brick retaining wall encloses the front of the site with a low-level railing above. Beyond of which is the front amenity area. This wall is set further back from the main road and there is a small area of hardstanding provided to the front which allows for off street parking.
7. The proposed development amongst other works, seeks to construct a garage to the front of the property at basement level which would involve excavation of the front garden area and retaining wall. The proposed garage would result in a substantial structure directly to the front of the pavement and main road which would by virtue of its overall design, height, and mass would be visually prominent and incongruous in comparison to the existing arrangement and other boundary treatments nearby which are mostly defined by lower height boundary treatments and hedging. Vertical planting is proposed on the front and side walls of the garage, with the garage door to be green in colour. However, this would still not overcome its overall bulk and form which would be a contrived addition to the host property and street scene. Whilst there is a significant number of hedging along the street, I am not convinced that the proposed vertical planting would blend in naturally to the street scene or appear in a similar way to the hedgerows particularly given the interruption of the large solid garage door. A setback would also do very little to overcome the concerns as it would still be visible from public vantage points given its positioning close to the main road and other properties. This would still be the case even taking into account the traffic flow along this section of the road.
8. The plans also show a green roof with planting, and I am aware of the benefits associated with this including biodiversity and drainage. I note concerns raised in respect of difficulty for planting to establish due to limited opportunity for root growth. This is however of lesser concern as is the continued management associated with the green walls. This is largely because planting could still be accommodated, and I note the appellants' commitment for planting as well as management which could be conditioned were I minded to allow the appeal. This would not however overcome the other matters raised as the proposed garage to the front would still appear dominant and out of place within this street scene. The garage would be lower than existing fencing to the side. However, this would not overcome the harm I have identified, and I am not convinced that the fence is highly noticeable or that the current scheme would be a more preferable option.
9. I note the conditions put forward by the appellant including the set back and landscaping. However, a condition in this respect would not sufficiently mitigate against the harm I have identified.
10. For the above reasons, I conclude that the proposed garage to the front and associated landscaping works would unacceptably harm the character and appearance of the host property and surrounding area. It would therefore be

contrary to Policy P10 and P12 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review, 2019) (CS), Policies GP5, BD6, N25 and LD1 of the Leeds City Council Unitary Development Plan (Review 2006) (UDP) and Policy HDG1 of the Leeds City Council Householder Design Guide Supplementary Planning Document, 2012 (SPD) which together, amongst other matters, requires new development to provide good design that is appropriate to its location, scale and function. For the same reasons, the proposed development would also be contrary to the aspirations of the National Planning Policy Framework relating to achieving well-designed places.

Public footpath

11. As referred to above, there is a stepped footpath to the eastern edge of the appeal property which based on the evidence in front of me would continue to be separated from the appeal property and thus available for use as is currently the case. Notwithstanding the concerns regarding reliance on public land, I have no compelling evidence that the proposed development would lead to an obstruction for users of the footpath or be substantially different from that of the existing situation given the nature of the works that would ensure access can still be obtained. I note the Council's concerns regarding future maintenance and potential obstruction from overgrown planting. However, there is no substantive evidence that this would be the case or that it would be so significant to cause an obstruction. Additionally, a suitably worded condition could be applied were I minded to allow the appeal relating to the landscape management and maintenance at the site.
12. For the above reasons, I conclude that the proposed green wall to the southeast side of the proposed garage to front would not unacceptably obstruct the public footpath to the eastern side of the site for users of the footpath. It would therefore comply with Policy P10 of the CS, Policies GP5 and LD1 of the UDP and guidance contained within the Leeds City Council Transport Supplementary Planning Document, 2023 which together, amongst other matters, requires development to be accessible to all users. For the same reasons, the proposed development would also accord with the aspirations of the Framework relating to promoting sustainable transport.
13. The second reason for refusal includes Policy HDG1 of the SPD. This policy relates to design and appearance matters which I have covered above.

Other Matters

14. I appreciate that it is the appellants' desire to extend and alter their home so that it is more conducive to their living and working requirements. I am also aware of the lack of secured sheltered parking and charging areas as well as claims regarding car ownership and intentions to use an e-bike. I have also had regard to the highways and parking matters put forward. However, such matters would not outweigh the harm identified.
15. Neighbouring properties may not have commented or raised any particular concern regarding the proposed development. However, this does not mean that the development would not be harmful.

Conclusion

16. The proposed garage to the front and associated landscaping works would unacceptably harm the character and appearance of the host property and

surrounding area. While the proposed green wall to the southeast side of the proposed garage to front would not unacceptably obstruct the public footpath to the eastern side of the site for users of the footpath, this is a neutral consideration in my determination of this appeal. The proposed development would therefore conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that would outweigh the identified harm and associated development plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR