



Appeal Decision

Site visit made on 12 December 2023

by C Megginson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2024

Appeal Ref: APP/N4720/W/23/3329884

47 Hall Park Avenue, Horsforth, Leeds LS18 5LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Good against the decision of Leeds City Council.
 - The application Ref 23/03286/OT, dated 6 June 2023, was refused by notice dated 18 July 2023.
 - The development proposed is described as 'Outline application for single dwelling to side garden (re-submission).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is outline, including access and scale, with all other matters reserved.
3. In December 2023 the National Planning Policy Framework (the Framework) was updated. No fundamental changes were made to the matters raised by the appellant and the Council, and it has therefore not been necessary to seek the views of the parties.

Main Issue

4. The effect on the character and appearance of the street scene.

Reasons

5. The street including the appeal site is comprised of detached and semi-detached dwellings. Whilst some of the dwellings have been altered and extended, there is an overall consistency and regularity of design. Front lawns, street trees, hedges and grass verges give an open, spacious and verdant character to the street scene.
6. A number of dwellings have been extended close to their boundaries. Whilst this means that distances between the dwellings in the street varies, these extensions tend largely to be single storey at the boundary or feature roof slopes at the boundary that retain a feeling of open space between the dwellings above.
7. The appeal site is a side garden between two detached dwellings and forms a noticeable gap in the street scene. The gap is currently planted and the view through the gap towards the vegetation beyond adds to the verdant character of the street.

8. The appeal proposal would create a three-bedroom dwelling that would fill the gap between the dwellings, at a height of two storeys, close to the adjoining boundaries. The proposed width and height of the dwelling would appear squeezed into the site and would interrupt the regular pattern of spacing at first floor level within the street scene.
9. In addition, the proposed hardstanding to the front of the dwelling would result in space available for soft landscaping being extremely limited and would exacerbate the appearance of the proposal being squeezed into the available space between the adjoining dwellings.
10. The scale of the appeal proposal within the site would be such that it would give rise to a cramped and overdeveloped appearance that would be at odds with the open, spacious and verdant character of the street. As a result, the appeal proposal would harm the character and appearance of the street scene.
11. As such, it would conflict with Policy P10 of the Leeds Core Strategy and Saved Policy GP5 of the Leeds Unitary Development Plan Review (2006), which require new development to respect the character and appearance of the locality. It would also be contrary to the guidance in the Leeds City Council Supplementary Planning Document 'Neighbourhoods for Living' which states that a distance of 2.5m should exist to side boundaries.
12. The proposal would also be contrary to the National Planning Policy Framework (The Framework), which states in paragraph 135 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.
13. The appeal proposal would result in the creation of an additional dwelling, in a sustainable location, which would contribute to housing supply and the local economy. However, any such benefits would be modest and would not outweigh the harm identified.
14. I recognise that other driveways within the street have extensive paving. These do not appear to necessarily constitute an example of sympathetic development and do not therefore justify the appeal proposal.
15. The appellant has cited an example at Clarence Drive, Horsforth as similar in nature to the appeal proposal. The circumstances in each proposal are likely to be different and the immediate area surrounding Clarence Drive does not appear to be comparable to that of Hall Park Avenue. In any event, the fact that apparently similar development may have been permitted is not a reason, on its own, to allow unacceptable development.

Conclusion

16. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR