



Appeal Decision

Site visit made on 9 January 2024

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/N4720/D/23/3334800

139 Bradford Road, Otley LS21 3LH

- 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 Mr Matthew Kirkham against the decision of Leeds City Council.
 - The application Ref 23/04492/FU, dated 26 July 2023, was refused by notice dated 11 October 2023.
 - The development proposed is removal of existing boundary wall to front; new vehicular access with dropped kerb to front; new boundary fence to sides.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description from the Council's decision notice as this more concisely describes the development proposed.
3. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my Decision.

Main Issue

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

Reasons

5. The appeal site is a mid-terrace property on the north side of Bradford Road (A650) and is part of the wider 'Duncan Estate' character area designation in the Otley Neighbourhood Plan 2018-2028 (the NP). It has a modest front garden enclosed at the front by a low gritstone boundary wall and contributes positively to the street scene and local distinctiveness in this location.
6. The proposal seeks the formation of a drop kerb and crossover to facilitate the provision of two parking spaces in the front garden, including the complete removal of the front boundary wall. While the new crossover would cause the permanent loss of a section of the grass verge, the condition of the verge is already seriously degraded by the effects of parking thereon and there is no indication that the Council is seeking to prohibit parking on the verge. Any prospects of the grass recovering therefore seems slim. As such, I consider that the loss of a section of verge would, in and of itself, be largely neutral in effect.

7. However, when the proposal is considered as a whole, there would be a fundamental change in the appearance of the front of the property. Hard surfaces for parking are less aesthetically beneficial than garden planting and cars in close proximity to elevations detract from their appearance in the street scene. I would deem that the effect of the proposed hardstanding and parking arrangement, in combination with the crossover and the resultant loss of the distinctive boundary wall across the site frontage, would be seriously harmful in visual and character terms for the site and its surroundings.
8. In reaching this view, I have taken into account that many properties in the locality have off-street parking provision in front garden areas. However, most along this section of Bradford Road still retain some degree of front boundary enclosure, particularly on the northern side of the road. Where this is not the case, there is a disruption to the rhythm and an adverse alteration to the degree of enclosure of the street, as would be the case here. Works which directly facilitate such harmful effects should not be endorsed.
9. I therefore conclude that the development, as a whole, would cause unacceptable harm to the character and appearance of the surrounding area. This is contrary to the design, character, and appearance requirements of Policy P10 of the Leeds City Council Core Strategy (amended 2019); saved Policies BD6 and GP5 of the Leeds City Council Unitary Development Plan (Review 2006), and Policy HDG1 of the Leeds Householder Design Guide Supplementary Planning Document (2012). It is also contrary to Policy BE11 of the NP which, amongst other things, requires development in the Duncan Estate to reinforce locally distinctive features such as original gritstone boundary walls. Further, it is contrary to paragraph 135 of the Framework where it seeks developments that are visually attractive and add to the overall quality of the area.

Other Matters

10. The appellant has provided a series of images showing a road traffic accident outside the property. However, the full details of the incident and its cause are not before me, and so, I am unable to establish any firm link between on-street parking and a serious highway safety issue at this location. The local highway authority did not object to the proposal, but neither did they raise any highway safety concerns over the current parking arrangements. This stretch of Bradford Road is wide and straight with good visibility along its length, and vehicles do not travel at speed. During my site visit, I observed traffic flowing freely along the road despite some on-street parking. Thus, on the evidence that is before me, and from my own observations, I am not persuaded that highway safety is an overriding consideration in this case.
11. It has also been alleged that damage has occurred to vehicles while they have been parked on the road. However, these claims are anecdotal and of a private nature, so have little bearing on my assessment.
12. Other comments in relation to the potential provision of an electric vehicle charging point are noted. However, electric vehicle ownership/use is not something that can be guaranteed or enforced. Moreover, while I appreciate that the convenience of a home charging facility may be a factor which influences the choice to run an electric vehicle, I do not consider the absence of such a facility to be a fundamental barrier to this, particularly as public charging infrastructure is becoming increasingly more widespread. In any

event, the environmental benefits arising from a single private charging point at the site would be very small in scale, such that it attracts very little weight in favour of the scheme.

13. Finally, while action regarding on-street parking is listed as one of the 'Community Actions' in the NP, the conflict I have found with policies of the NP in other regards means that the proposal conflicts with the NP when read as a whole.

Conclusion

14. The proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate that the decision should be made otherwise. Therefore, for the reasons given, the appeal should be dismissed.

A Caines

INSPECTOR