



Appeal Decision

Site visit made on 9 January 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/N4720/W/23/3330710

The Gables, 229 Hall Lane, Horsforth, Leeds LS18 5EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr R Seib against the decision of Leeds City Council.
 - The application Ref 23/04815/FUL, dated 2 August 2023, was refused by notice dated 25 September 2023.
 - The application sought planning permission for one detached house with detached car port without complying with a condition attached to planning permission Ref 20/04812/FU, dated 16 April 2021.
 - The condition in dispute is No. 2 which states that: the development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
 - The reason given for the condition is: for the avoidance of doubt and in the interests of proper planning.
-

Decision

1. The appeal is dismissed.

Background

2. Planning permission was granted for one detached house with detached car port. A condition controlling the approved plans was imposed for the avoidance of doubt and in the interests of proper planning. Condition 2 therefore states, that the development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule. The proposed development seeks to vary this condition to replace the approved car port with a garage.

Main Issue

3. The main issue is the effect that varying the condition would have on the character and appearance of the plot and the surrounding area.

Reasons

4. The appeal site relates to the recent construction of a dwelling which originally formed a section of garden land located to the west of the dwelling at 229 Hall Lane. It forms a prominent position on the corner where Hall Lane meets Rawdon Road, and I noted onsite that the plot sits at a higher level than Rawdon Road which increases its overall prominence.
5. Planning permission was granted for a two-storey detached dwelling with a car port on the land whereby the approved plans show a car port to the front of the property which was to have 4 open sides and a pitched roof. The dwelling is

complete, and I was able to see at my site visit that the front elevation is highly visible on approaching the site from Rawdon Road and has a visually pleasing front façade with a level of space and openness surrounding the dwelling.

6. The approved car port is yet to be constructed and it is proposed to replace this with a garage structure which whilst of a similar dimension and location to the approved car port, it would have a wholly solid structure which would be visually prominent within the street scene, eroding views afforded to the front façade of the building as well as eroding the existing open character and spaciousness to the front of the property. As a result, it would appear as a cramped and overdeveloped addition. The previously approved car port would have appeared as a more lightweight structure with a largely open element which would have allowed views through and thus retaining a level of spaciousness. I cannot therefore agree that as the site is considered suitable for a car port then it would not visually form an overly prominent feature as the overall design is very different. Whilst the existing hedging along Rawdon Road and the garden wall to Hall Lane would provide for a level of screening, the solid structure of the garage would still be highly noticeable when approaching from the west along Rawdon Road towards the site as well as being visible along Hall Lane. Based on the evidence before me and my own observations on site, I am not convinced that even with screening, the only element of the garage that would be visible from Rawdon Road would be the roof particularly given the topography of the land which rises upwards from Rawdon Road towards the appeal site. Notwithstanding, it would still appear as a more solid form in comparison to the lightweight and simple structure of the approved car port.
7. The appeal site is located within an established residential area with properties comprising various sizes/architectural designs and while many other properties have either integral or detached garages within their garden, none that I observed during my site visit shared the same context and relationship to that of the appeal site and thus other garages in the vicinity are not directly comparable. I note claims that local and national policies have been carefully considered when designing the garage and that the garage would use the same materials as the host dwelling. I am also aware that the garage would provide a secure facility for the owner's cars which is encouraged by the Secure by Design recommendations. However, such matters would not alter my findings in relation to the main issue or be sufficient to outweigh the harm identified.
8. For the above reasons, the proposed development would unacceptably harm the character and appearance of the plot and surrounding area. It would be contrary to Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) and Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006) which together, amongst other matters, requires new development for buildings and spaces, and alterations to existing, to 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 with the aspirations of the National Planning Policy Framework relating to achieving well-designed and beautiful places.

Other Matters

9. I note the lack of objection from a number of statutory consultees as well as public/local objections. However, this is a neutral factor in my overall consideration and would not be sufficient to outweigh the harm identified.

Conclusion

10. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR