



Appeal Decision

Site visit made on 13 November 2023 by A Khan BSc (Hons) MA

Decision by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2024

Appeal Ref: APP/N4720/D/23/3329035

Briar House, Briardene, Oulton, Leeds LS26 8LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Lisa Fawcett against the decision of Leeds City Council.
 - The application reference is 23/02558/FU.
 - The development proposed is construction of domestic outbuilding (retrospective) - resubmission with amended plans.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The application was submitted for retrospective planning permission. The Council's delegated report confirms that the submitted plans do not reflect what has been built, as they are a revised scheme from a previously refused retrospective application¹. Therefore, I have determined the appeal on the basis of the plans before me.
4. The appeal site is in a conservation area, and I shall therefore pay special attention to the desirability of preserving or enhancing the character or appearance of that area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

¹ Local Planning Authority Reference 22/08236/FU.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the appeal property, street scene and the Oulton Conservation Area (OCA).

Reasons for the Recommendation

7. The OCA has historical ties to its agricultural industries which is reflected in the materials of the dwellings in the area. The variation of 16th and 17th century stone, timber-framed and handmade brick dwellings show its organic village development into a rural estate. Local sandstone is the predominant building material used including boundary treatments which have a strong presence in the area. The open garden spaces in addition to the presence of mature trees and hedges give Oulton a green village character. Overall, this contributes to the special rural village green character of the OCA.
8. The appeal property, Briar House, is a predominantly stone building which along with its garden space positively contributes to the rural green character of the OCA.
9. The scale of the proposed scheme would be reduced due to the removal of the canopy and raised decking; however, it would still be excessive in height and proportion. The scheme would be located towards the public road and take up almost the full width of the garden which would restrict the views of the open garden space. This would result in a visually dominant structure and a significant loss of the verdant open character of the garden space. The scale and massing of the proposed scheme would therefore harmfully erode the historic character and openness of the garden space which characterise the OCA, to the detriment of its significance.
10. Although the use of dark timber external cladding complements the vegetation and timber access gates, the materials are incongruous to the stone building of Briar House and the predominant stone presence in the OCA. While the appellant's suggested use of external stone cladding to match Briar House would address this to an extent, it would not mitigate the harm caused by the scale, massing and location of the development on the openness of the garden plot.
11. The proposed scheme is fronted by Aberford Road, therefore is not located to the rear of Briar House. The scheme would be partially screened from Aberford Road due to the fence and vegetation boundary treatment which encloses the garden. However, I am not persuaded that a condition to retain the height of the hedge boundary for the lifetime of the development would be reasonable or enforceable. Therefore, the introduction of an outbuilding of the scale and massing proposed in this location would detract from the character and appearance of the garden plot of the host dwelling.
12. For the reasons given, the scheme would harm the character and appearance of the appeal property, the street scene and cause less than substantial harm to the character and appearance of the OCA.
13. The appellant has cited similar outbuildings approved for nearby properties within the OCA. However, the cited examples are either more modest in scale, situated away from the main road or to the rear of the property and/or would likely meet permitted development criteria. Therefore, I have not seen in the

area other examples of outbuildings of a comparable scale, height and location to the proposed scheme.

14. Although the proposal would provide an additional habitable space, this is a private benefit for the occupants of the appeal property, therefore there is no public benefit which would outweigh the less than substantial harm to the OCA.

Planning Balance

15. Although external stone cladding would mitigate some harm, this does not outweigh the less than substantial harm to the OCA or the harm to the character and appearance of the appeal property and street scene caused by the scale and height of the scheme. This is regardless of whether the outbuilding would be classed as a temporary structure.
16. Consequently, the scheme would fail to preserve the character and appearance of the OCA and would therefore be contrary to the Oulton Conservation Area Appraisal and Management Plan (2010) and Saved Policy N19 of the 2006 adopted Leeds Unitary Development Plan (UDP). It would conflict with Policy DBE1 of the Oulton and Woodlesford Neighbourhood Development Plan 2021-2033, which requires that development in conservation areas respects local architecture, preserves their character in line with the Appraisal and preserves or enhances gardens. The scheme would also be contrary to the scale, form and proportion requirements of Policy P10 of the 2019 adopted Leeds Local Plan Core Strategy, Policy BD6 of the UDP and Policy HDG1 of the 2012 Householder Design Guide Supplementary Planning Document.

Other Matters

17. The Council found no significant harm to the living conditions of the neighbouring occupants at 22 Aberford Road and I see no reason to disagree. The appellant states the development would not affect listed buildings, living conditions of any neighbours, including 22 Aberford Road, and highway safety. While that may be the case, a lack of harm is neutral in the planning balance and does not outweigh the identified harm.

Conclusion and Recommendation

18. The appeal scheme would be contrary to the development plan, when considered as a whole. There are no material considerations which indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above, I recommend that the appeal should be dismissed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

F Wilkinson

INSPECTOR