



Appeal Decision

Site visit made on 17 September 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2024

Appeal Ref: APP/N4720/W/24/3346394

1 Whitehall Grove, Drighlington, Bradford BD11 1BG

- 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 Mr Simon Whelan against the decision of Leeds City Council.
 - The application Ref is 23/07146/FU.
 - The development proposed is erection of a single storey, one bedroomed dwelling to side of existing dwelling, plus associated alterations including a 2m high boundary fence to the rear and a 0.9m close boarded fence to the side and front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Procedural Guide: Planning Appeals – England (2024) states that only the person who made the planning application can make an appeal. In this case, the appeal was lodged by Mr Simon Welham. The applicant subsequently provided clarification in the appeal statement that they are the same person. Nevertheless, as the appeal cannot technically be transferred to another person, it must continue in the original name of the applicant. I have therefore considered the appeal on this basis.
3. As part of the appeal the appellant has submitted a revised drawing reference 'Proposed Elevations Revision A'. The revised plan was submitted by the applicant to correct the missing front door and address the Council's concerns relating to this matter. I do not consider that the revised plan is a fundamental change to the proposal or that any party would be prejudiced by my taking it into account and have therefore accepted this new information and considered the proposal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of No 1 Whitehall Grove and the surrounding area including the streetscape.

Reasons

5. The appeal site is a two-storey, brick-built end of terrace dwelling, with small rear lean-to extension. The property sits on a large corner plot, which is bounded partially by hedging and prominent within the streetscape. To the rear of the site are a number of buildings associated with an employment use. At the end of Whitehall Grove, fronting onto Whitehall Road there is a small

terrace of single storey commercial properties. The wider surrounding area is residential with a mix of architectural styles.

6. The dwellings along Whitehall Grove are arranged in short, evenly spaced, terraces with more prominent gable fronted properties on each end. This pattern is repeated along the street. The terraces have front gardens or parking areas and retain an open appearance. There has been some infilling of gaps between the terraces, through the construction of side extensions or ancillary buildings. Nevertheless, the generally open aspect and gaps between the built form provides a consistent, uniform appearance to the streetscape.
7. The proposed development is a single storey dwelling, which would be attached to the side of No 1. The new dwelling would project forward beyond the front elevation of No 1 and then run along its side elevation, extending substantially beyond the rear elevation. Despite being single-storey, the depth of the new dwelling would be double that of No 1. The bulk and massing of the new dwelling in comparison to No 1 would appear as an incongruous addition to the terrace, which would erode its well-balanced appearance.
8. The forward projection of the front elevation of the proposed dwelling and its size would change the prominent appearance of No 1, which has been designed to mark the end of the terrace. I note that the appellant contends that the projection would match other properties in the terrace. However, the proposal would disrupt the rhythmic appearance of the terrace and the pattern of the wider streetscape, thereby harming its character and appearance.
9. The garden spaces between the built form of the terraces and the open aspect of the front gardens, are a key feature which positively contribute to the character and appearance of the streetscape. Although there has been some infilling of these gaps, the proposal would lead to further loss of a garden space through infilling a significant proportion of this prominent corner plot. The proposal would include a small garden for the new dwelling but reduce the size of the rear garden of No 1, and these changes would fail to reflect the spacious street pattern to the detriment of the character and appearance of the streetscape.
10. The appellant has referred me to development within the gardens at Nos 2, 9 and 16. I do not have all the details of these cases before me. However, I noted on my site visit that they retain their appearance as ancillary buildings or subservient extensions to the main dwelling and are different to the appeal case and therefore not comparable to this case.
11. A Lawful Development Certificate Ref 24/10953/CLP has recently been issued for an outbuilding with a gross external area of 32sqm and 2m in height. Although this would also result in the loss of this important open space, it would appear as a subservient ancillary building to the main house. Therefore, the fallback position is a different scheme that in my judgement would be less harmful than the appeal proposal.
12. I conclude that the scale, bulk and design of the proposal and the loss of open space would harm the character and appearance of No 1 Whitehall Grove and the surrounding area including the streetscape. The proposal thereby conflicts with Policy H2 of the Leeds Core Strategy (as amended) (2019) (CS), which seeks amongst other things to ensure that development does not take place on sites which make a valuable contribution to the visual and spatial character

of an area. It would also conflict with Policies P10 and GP5 of the Leeds Unitary Development Plan Review (2006) and the Neighbourhoods for Living Supplementary Planning Guide (2003) which seek amongst other things to ensure that development is based on a thorough analysis and understanding of an area and respects streets and spaces according to the particular local distinctiveness and wider setting of the place.

13. In addition, the proposal conflicts with paragraph 135 (c) of the National Planning Policy Framework (2023) which says that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. It also conflicts with paragraph 139 which says that development that is not well designed should be refused especially where it fails to reflect local design policies.

Conclusion

14. The new dwelling is not considered by the Council to cause harm to the living conditions of existing or future residents. Furthermore, the proposal would provide a new dwelling, which would contribute to the Council's housing supply. However, these benefits do not outweigh the harm I have identified above.
15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
16. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR