



Appeal Decision

Site visit made on 3 December 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/N4720/W/24/3352369

15 The Drive, Lidgett Park, Leeds LS8 1JF

- 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 & Mrs Ward against the decision of Leeds City Council.
 - The application Ref 23/05762/FU, dated 20 September 2023, was refused by notice dated 18 April 2024.
 - The development proposed is demolition of double garage and erection of detached dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of double garage and erection of a detached dwelling at 15 The Drive, Lidgett Park, Leeds LS8 1JF in accordance with the terms of the application 23/05762/FU dated 20 September 2023, subject to the conditions in the attached schedule.

Procedural Matter

2. The Council have raised no objection to the physical construction of the dwelling; therefore I shall only deal with the main issue with regard to the concerns of the Council which would be the effect on trees and biodiversity from the extended access.
3. Since the appeal was submitted, a modified National Planning Policy Framework has been published by the Government (December 2024). I am satisfied that there is no further issue brought up by this document that warrants the further input of the parties.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on roadside trees and biodiversity in general.

Reasons

5. The appeal site is located to the side of to a large detached two storey property, on a street of similar, with some variations in detailing and form. The dwelling is set in a large plot with most dwellings having driveways to the side of the properties. The host dwelling has a garage located to the side and rear. The dwellings are generously spaced between plots. The site is located within the Roundhay Conservation Area (the RCA)

6. It is proposed to demolish the existing garage and erect a single dwelling on the wider site left after demolition. Means of access would be taken from the existing driveway, which would be widened.
7. The main area of contention between the main parties is the widening of the access, the works to facilitate the associated dropped kerb and their corresponding impact on existing roadside trees and biodiversity in general.
8. It is apparent from the evidence provided that the Landscaping consultee of the Council initially opposed the proposal, but an email trail was provided to demonstrate that additional information was submitted by the appellants in order to address the concerns of the consultee, and after a considerable amount of "back and forth" between the parties, an acceptable solution appears to have been found that allowed the consultee to withdraw their objection, subject to the imposition of relevant conditions.
9. I am satisfied that the evidence provided clearly demonstrates that whilst the proposed access works could potentially affect the root protection area (RPA) of the existing roadside trees, it would not be of a level to cause significant harm to the trees, and meets the criteria set out in BS5837:2012 in terms of acceptable levels of encroachment into an RPA and as a result, would not cause harm to the character and appearance of the area.
10. In terms of the effect on biodiversity, I am content that the nature of the works and their overall impact would be offset by the replacement landscaping provided to ensure there would be no harm to biodiversity.
11. In accordance with the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) I am required to pay special attention to the desirability of preserving or enhancing the character of the conservation area.
12. With regard to the Conservation Area designation of the site, I understand from the Conservation Area appraisal that it was first designated in 1974. Roundhay Park is one of Leeds' most historical landscapes. Most of the buildings which give the Conservation Area its architectural character are from the late Victorian and Edwardian periods. In this part of the Conservation Area, the roadside planted trees are a notable part of its character.
13. I find that the proposed dwelling would integrate with the character of the nearby buildings, and as stated previously, the access would not cause material harm to the status of the roadside trees. Overall, I find the impact on the Conservation Area to be neutral.
14. Therefore, for the reasons above, the proposed development would not harm the significance of the heritage assets or the character or appearance of the Conservation Area. It would also accord with the historic environment objectives of the National Planning Policy Framework.
15. Overall, I find no conflict with policies P10, P11, P12, H2 and G9 of the Leeds Core Strategy (2019), or saved policies GP5, N19 or LD1 of the Leeds Unitary Development Plan Review (2006), which when taken as a whole, amongst other matters, expect development to integrate and respect the historic environment and produce net gain to biodiversity. I also find no conflict with the Councils Supplementary Planning Documents and the National Planning Policy Framework.

Other Matters

16. I have noted the representations of third parties in relation to the scheme and note that the majority of these refer to the nature of the dwelling itself, to which the Council has no objection to, and those that are concerned with the impact on trees and biodiversity I have addressed in the text above and the proposal, following amendments, has not raised an objection from the Landscape Consultee.

Conditions

17. I have noted the conditions suggested by the Council were the appeal to be allowed, and I find these to be fair, reasonable and enforceable and subject to some minor alterations for grammar and readability, I have included them in the schedule at the end of this report.
18. Conditions 1 and 2 are in the interests of proper planning. Conditions 3, 4 and 5 are in the interests of visual amenity. Conditions 6 through 11 are in the interests of highway safety. Condition 12 relates to residential amenity. Conditions 13 to 15 are to deal with any potential contamination and Conditions 16 to 19 deal with effective landscaping.

Conclusion

19. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal is allowed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Site Location Plan / Red Line / OS Plan	001A
Block Plan / Layout Plan	003 REV D
Proposed Floor Plans	005
Proposed Elevations	006
Streetscape	007
Block Plan / Layout Plan	22.34 009C
Streetscape	22.34 008
Landscape Scheme	22.34 009C
Sections / Cross Sections	22.34 010
Tree Survey	22.34 012
3. Construction of external walls and roofs shall not take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.
4. Construction of external walls and roofs to any building subject of this permission shall not take place until details of the windows and doors including their materials and colour have been submitted to and approved in writing by the Local Planning Authority. The building works shall thereafter be carried out in accordance with the details approved.
5. No part of the development shall be occupied until details of the position, design, materials and type of all walls and/or fences or permanent boundary/screening treatments have been submitted to and approved in writing by the Local Planning Authority. Such walls and fences must also be erected in accordance with the approved details, before the dwelling is first occupied and shall thereafter be retained for the lifetime of the development.
6. The development shall not be occupied until all areas shown on the approved plans to be used by vehicles, including roads, footpaths and vehicle parking spaces have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.
7. Means of vehicular access to and from the site shall only be as shown on the approved plans and constructed / finished prior to first occupation of the dwelling and retained thereafter for the lifetime of the proposed development.

8. The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority. The gradient of the pedestrian access shall not exceed 1 in 20 (5%).
9. The gradient of all drives shall not exceed 1 in 12.5 (8%).
10. Notwithstanding the approved details, works above the ground floor slab level shall not commence until full details of all parking facilities have been submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be provided prior to first occupation of the development and retained thereafter for the lifetime of the development.
11. Development shall not be occupied until the full details and location of Electric Vehicle Charging Points have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained for the lifetime of the development.
12. Development shall not commence until a Statement of Construction Practice has been submitted to and approved in writing by the Local Planning Authority, the Statement of Construction Practice shall include full details of:
 - a) The construction vehicle routing, means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures.
 - b) Methods to prevent mud, grit and dirt being carried on to the public highway from the development hereby approved.
 - c) Measures to control the emissions of dust and dirt during construction.
 - d) How the Statement of Construction Practice will be made publicly available by the developer. The approved details shall be implemented at the commencement of works on site and shall thereafter be retained and employed until completion of the works on site.

The Statement on Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

13. Development (excluding demolition) shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
 - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development (excluding demolition) shall not commence until a Phase II Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority;
 - (b) Where remediation measures are shown to be necessary in the Phase

I/Phase II Reports and/or where soil or soil forming material is being imported to site, development (excluding demolition) shall not commence until a Remediation Strategy demonstrating how the site will be made suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a programme for all works and for the provision of Verification Reports.

14. If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such.
15. Remediation works shall be carried out in accordance with the approved Remediation Strategy. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.
16. The development hereby permitted shall not be occupied until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include:
 - (a) proposed finished levels and/or contours,
 - (b) boundary details, means of enclosure and retaining structures,
 - (c) car parking layouts,
 - (d) other vehicle and pedestrian access and circulation areas,
 - (e) hard surfacing areas,
 - (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),

Soft landscape works shall include:

- (g) planting plans
- (h) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (i) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm

this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

17. If within a period of five years from the date of the planting of any tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.
18. a) No intrusive site works shall commence (including any demolition, site clearance, ground works or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans (as approved pursuant to b) below) and the specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. NOTE: safeguarding includes any ground areas intended for Structural Planting (clause 6.2 of BS5837) and only the BS5837 default barrier with the scaffold framework shall be employed. A fully dimensioned tree protection plan drawing shall be included in the submission. Such measures shall be retained for the full duration of any demolition and/or approved works.

b) No works or development shall commence until a written Arboricultural Method Statement (AMS) in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the Local Planning Authority. Works shall then be carried out in accordance with the approved method statement. The AMS shall include a Site Supervision Schedule i.e. a list of site visits and the operational specifics related to trees for the full construction duration. The AMS shall include for reporting back to the Local Planning Authority immediately after each site supervision intervention (written & photographic).

NOTE - this item cannot be discharged until the last supervision visit report is submitted.

- c) Evidence shall be submitted, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out this Arboricultural monitoring / supervision.
- d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition/ approved works commencing, to allow inspection and approval of the protection measures as implemented on site.

NOTE - this item cannot be discharged until post inspection approval is confirmed.

- e) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground

services/drainage, without the prior written approval of the Local Planning Authority.

19. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The Management Plan must conform to Leeds City Council's Landscape Management Plans (Landscape Guidance No.2) and associated checklist. The landscape management plan shall be for the lifetime of the development and shall be carried out as approved.

END OF SCHEDULE