



Appeal Decision

Site visit made on 20 May 2025

by **A Caines BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/N4720/W/25/3362894

Land Adjacent To 15 Harolds Terrace, Leeds LS6 1PG

- 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 Y Hussain against the decision of Leeds City Council.
 - The application Ref is 24/05173/FU.
 - The development proposed is a new detached property.
-

Decision

1. The appeal is allowed and planning permission is granted for a new detached property at Land Adjacent To 15 Harolds Terrace, Leeds LS6 1PG in accordance with the terms of the application Ref 24/05173/FU, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. Harolds Terrace and the surrounding streets are lined by rows of two-storey terraced houses, many of which are back-to-back terraces with no garden and off-street parking, resulting in a dense and compact urban grain. The appeal site is an area of unused land between 11 and 15 Harolds Terrace. Historic maps indicate it may once have contained a building of some form. Its current undeveloped and neglected state is a negative feature in the street.
4. In 2020 the Council granted planning permission at the site for a 4-bed detached dwelling with one off-street parking space at the side and a small courtyard garden at the rear. On the evidence before me, it is not entirely clear whether this permission has now lapsed. Consistent with the appellant's submissions, I observed that some foundations have been excavated. However, I have no details on the status of any conditions. Either way, the previous permission remains a relevant consideration given the short timescale and similarities between the schemes.
5. The Council's officer report acknowledges that the proposal's overall design along with retaining gaps to the two neighbouring properties would be similar to the previously approved dwelling. The most notable difference is an increased depth at the rear. However, the compact form of surrounding development means that this increase in building footprint and mass would barely be perceptible in the street scene. Nor would this increased depth be so great as to appear overbearing on the rear outlook and garden of No 15. Whilst there would be a resultant

reduction in the size of the rear garden for the proposed dwelling compared to the previous permission, the Council deemed this to be acceptable nonetheless. Further, no objection was raised in relation to the amount of parking and bin storage space within the site.

6. Consequently, when considered in the context of the previous permission, the proposal could not reasonably be described as cramped and overdeveloped. Rather, I find that it would make beneficial use of this underutilised urban land in a manner which suitably respects the area's character and appearance.
7. Thus, the proposal complies with Policies H2 and P10 of the Leeds City Council Core Strategy (as amended 2019) which, amongst other things, are generally permissive of small-scale housing development on non-allocated land and requires the size, scale, design and layout of the development to be appropriate to its context and to respect the character of its surroundings. There is also compliance with the broad objectives of Saved Policies N23 and GP5 of the Leeds City Council Unitary Development Plan (Review 2006) insofar as the development would not lead to the loss of any positive visual features at the site and resolves detailed design considerations.

Conditions

8. I have considered the conditions suggested by the Council in light of the Framework and the Planning Practice Guidance. Some have been amended and shortened in the interests of clarity and precision, and I have imposed only those conditions which meet the relevant tests. All pre-commencement conditions have the written agreement of the appellant.
9. In addition to the standard commencement and approved plans conditions, a condition requiring further investigation of land contamination is necessary in the interests of public health and safety. A condition in relation to a construction practice statement is necessary to manage the effects of construction on neighbouring residents and the public highway. It is appropriate for these to be pre-commencement conditions in light of the implications which could otherwise arise should works proceed in the absence of their prior resolution.
10. A condition concerning external materials is necessary to ensure a satisfactory appearance of the development. Conditions to secure the implementation of the access and parking areas are necessary to ensure appropriate off-street parking provision, whilst the provision of bin and cycle storage facilities would be necessary to serve the needs of the occupants and in the interests of sustainable transport.
11. However, I have not imposed a condition requiring a highway condition survey to be carried out as this would be unnecessarily onerous for this small-scale development. Finally, the provision of electric vehicle charging points is now mandatory under the Building Regulations, so does not need repeating here.

Conclusion

12. The proposal complies with the relevant policies of the development plan. Therefore, the appeal should be allowed.

A Caines

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the drawings:
Existing and Proposed Site Location Plan
Proposed Elevations
Proposed Ground and First Floor
Proposed Second Floor and Roof
- 3) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.
- 4) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
 - i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 5) No development shall take place until a Statement of Construction Practice has been submitted to and approved in writing by the local planning authority. The Statement shall include details of:
 - i) storage of plant and materials used in constructing the development;
 - ii) measures to prevent mud, grit and dirt being carried onto the highway;
 - iii) delivery and construction working hours.The approved Statement of Construction Practice shall be adhered to throughout the construction period for the development.
- 6) No above ground development shall take place until details of all external wall, roof, and hardsurfacing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 7) No above ground development shall take place until construction details of the new and reinstated footway crossings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) The dwelling hereby permitted shall not be occupied until the areas shown on the approved plans for parking and bin storage have been constructed and laid out in accordance with the approved plans and, thereafter, such areas shall be kept free of obstruction and available at all times for those purposes.
- 9) The dwelling hereby permitted shall not be occupied until facilities for secure bicycle storage have been provided at the site in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The approved facilities shall be retained for their purpose for the lifetime of the development.