



Appeal Decision

Site visit made on 6 May 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/N4720/W/25/3361562

85 Grove Lane, Meanwood, Leeds LS6 4AQ

- 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 M Greenhow against the decision of Leeds City Council.
 - The application Ref is 24/06819/FU.
 - The development proposed is the demolition of single storey commercial (Class E) shop unit and construction of 2 storey extension to side of 116 Bentley Lane to form a 1 bedroom duplex flat.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of single storey commercial (Class E) shop unit and construction of 2 storey extension to side of 116 Bentley Lane to form a 1 bedroom duplex flat at 85 Grove Lane, Meanwood, Leeds LS6 4AQ, in accordance with the terms of the application, Ref 24/06819/FU, subject to the conditions in the attached schedule.

Procedural Matters

2. The appellant's name used in the banner heading is taken from the planning application form. Whilst the appeal was made in a different name, it has been subsequently confirmed that it should proceed in the name used above.
3. The appellant has submitted a plan with the appeal showing the proposed elevations and boundary treatments, which the Council has confirmed was not submitted with the planning application. Whilst this detail does not involve a substantial difference or fundamental change to the application, I have considered whether accepting the additional information would cause procedural unfairness to interested parties. Whilst some detail of boundary treatment is shown on the proposed elevations plan submitted with the planning application, accepting the additional information at this stage would deprive those entitled to be consulted on an application the opportunity to make a representation. In relation to plans, my decision therefore is based only on those that were before the Council when the application was determined.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the site, the adjoining semi-detached properties and the surrounding area; and

- whether the proposed development would provide suitable living conditions for future occupiers of the development and the effect of the development on the living conditions of neighbouring residents at 116 Bentley Lane, with particular regard to the provision and use of outdoor private amenity space and effects on outlook and privacy.

Reasons

Character and appearance

5. The appeal site comprises a vacant retail unit (85 Grove Lane) and a residential property located in a prominent corner position close to the junction of Grove Lane and Bentley Lane. The commercial unit is a flat roofed, single storey building that adjoins the side of 116 Bentley Lane, which forms one half of a pair of two storey semi-detached houses. To the rear is a flat roof addition to the house and a gated rear yard area. A relatively large commercial vehicle servicing and repair garage lies to the rear of the appeal site, with its brick gable end positioned on the boundary separating the two.
6. Development on Bentley Lane is predominantly characterised by terraced, two storey residential properties that step down towards the lower level of Grove Lane. A terrace of three two storey properties that front Grove Lane is situated opposite the appeal site. There are also some semi-detached properties, including bungalows, in the immediate vicinity of the site.
7. The proposal would see the demolition of the retail unit, which is somewhat incongruous in terms of its appearance in the street scene, and the construction of a two storey building in its place attached to the side elevation of No 116.
8. Whilst the site is in a prominent location and the development would be larger than the existing building, the proposal would not be out of scale or character with adjacent development. This is because its set down in relation to No 116 and its set back from this house's front elevation would mean that it would be subservient to it. The incorporation of matching architectural features such as a hipped roof, bay windows and use of matching materials would mean that it would also reflect the appearance and form of the adjoining semi-detached properties and that of the wider street scene where terraced housing predominates.
9. Both parties refer to a previous appeal decision at the site¹. The appellant's statement provides an extract of the plans relevant to that decision, which have not been disputed by the Council. I have had regard to the Inspector's comments, although from the evidence before me the current appeal proposal is materially different in terms of its design, and so that is not directly comparable to the scheme before me. Reference to it therefore has not altered my findings in relation to this main issue.
10. For the reasons given above, I therefore conclude that the proposed development would be well designed and would complement the character and appearance of the site, the adjoining semi-detached properties and the surrounding area. It would therefore accord with Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan (the CS) and Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) (the UDP). Amongst

¹ Appeal Ref APP/N4720/A/11/2162733, dated 2 February 2012

other things, these policies seek to deliver high quality design, ensure the size, scale, design and layout of development is appropriate to its context and respects the character and quality of surrounding buildings, streets and the wider locality, and that alterations and extensions respect the scale, form, detailing and materials of the original building.

Living conditions

11. The reason for refusal refers to harm to future occupiers and existing residents due to insufficient outdoor useable private amenity space, and effects on both through activity associated with a car parking space. The evidence indicates that there would be no change to the external rear area already available for the occupiers at 116 Bentley Lane. I observed two cars parked in this area and some limited space for other external amenity use. Existing windows of No 116 and the retail unit overlooking this area were at a higher level and broadly above the height of the parked cars. The proposed plans show that the dining room of No 116 would continue to face onto this space, as well as two ground floor windows to the kitchen area of the new development.
12. The scheme proposes amenity space to the front of the new residential unit for use by those occupants. Whilst this would be limited in size, I have not been directed to any relevant minimum size standards required for external areas. In my judgement, the area would be large enough for future occupants of the proposed one bedroom dwelling to sit outside. The proposed dry stone wall along the front boundary, supplemented by any planting that future occupiers would choose to carry out, would ensure that some privacy would be provided. I have also had regard to the reference in the appellant's evidence to the availability of open space within the area, which can be accessed from the public bridleway opposite the site. For the reasons given, I therefore consider that there would be adequate amenity space provision in this instance to serve the proposed dwelling.
13. Due to the elevated position of the windows in the rear elevation and the relatively limited activity that would be associated with the use of the area, I do not consider that there would be significant harm or unacceptable impacts on the living conditions of future occupiers in terms of outlook, privacy or disturbance from car parking and use of this space. Also, given that the primary outlook of the open plan ground floor of the dwelling would be towards Bentley Lane, with only kitchen windows facing the gable end of the adjacent garage to the rear, the outlook from the proposed dwelling would be acceptable.
14. In terms of effects on existing neighbouring residents, the plans show that the rear yard would continue to be used for car parking and would also feature cycle storage. There is existing overlooking of the space from the rear of the retail unit. Whilst it may be expected that the kitchen window would allow for a greater frequency of overlooking, given the nature of the space and its existing and intended use, the proposal would not result in significant harm in terms of a loss of privacy.
15. The Council has referred to the previous appeal decision at the site and the conclusion made in relation to the effects on living conditions. However, material changes have been made in the scheme before me in terms of layout and design that are relevant to living conditions. As a result, the current proposal does not feature ground floor windows to its side elevation. Consequently, the living

conditions of future occupiers of the development would not be harmed by parking and activity associated with the adjacent garage and road that was highlighted by the previous Inspector.

16. Taking all these matters into account, I therefore conclude that the proposed development would provide suitable living conditions for future occupiers, and that it would not be harmful to the living conditions of neighbouring residents at 116 Bentley Lane. Therefore, the appeal proposal would not conflict with Policy P10 of the CS and Policy GP5 of the UDP. Amongst other matters, these two policies require new development to protect the visual, residential and general amenity of the area, protect and enhance useable space and privacy, and seek to avoid loss of amenity.
17. The reason for refusal also refers to Policy BD6 of the UDP. However, I do not find this to be determinative to this main issue as it relates specifically to alterations and extensions respecting the scale, form, detailing and materials of the original building.

Conditions

18. The Council has suggested a number of conditions which I have considered against the tests set out in the National Planning Policy Framework and Planning Practice Guidance. In some instances, I have made minor changes to wording to improve precision and enforceability.
19. In addition to the standard time limit, a condition specifying the plans on which the Council made its decision is necessary in the interests of certainty. A condition requiring the materials for the development to be in accordance with the approved plans is necessary to protect the character and appearance of the area.
20. Due to its location and proximity to highway land, existing residential uses and business premises, a condition securing a statement of construction practice is necessary in the interests of highway safety and the living conditions of residents. The condition is required to be pre-commencement to ensure that the details are agreed prior to any works taking place and so that they can then be implemented on commencement of development. The appellant has agreed to this condition.
21. Given the risk associated with potentially contaminated land, conditions are necessary to assess this risk, which can be secured following demolition work in this instance. To promote the use of sustainable transport modes, a condition is needed to secure appropriate cycle parking provision. A condition to secure refuse storage would also be reasonable to ensure suitable arrangements are in place.

Conclusion

22. For the above reasons, the proposal would comply with the development plan taken as a whole and material considerations do not indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

N Armstrong

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 following plans:
 - A1-01 – Location Plan
 - A1-02, Revision B – Existing & Proposed Block Plans
 - A2-03, Revision C – Proposed Ground Floor Plan
 - A2-04, Revision B – Proposed First Floor Plan
 - A4-02, Revision B – Proposed Elevations
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. A4-02, Revision B – Proposed Elevations.
- 4) Development shall not commence, including any works of demolition, 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 approved statement of construction practice shall be made publicly available for the lifetime of the demolition and construction phases of the development in accordance with the approved method of publicity.
- 5) Development shall not commence, excluding any works of demolition, 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.

- 6) 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.
- 7) 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.
- 8) Notwithstanding the approved details, the development hereby permitted shall not be occupied until full details of cycle parking and facilities to serve the development have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking and facilities shall be provided prior to first occupation of the development and shall thereafter be retained for the parking of cycles by occupants of the development at all times.
- 9) The development hereby permitted shall not be occupied until details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be provided and implemented prior to first occupation of the development and shall be retained for the storage of refuse by occupants of the property at all times.

****** END OF CONDITIONS ******