



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: 8th July 2025

Appeal Ref: APP/N4720/W/25/3358580

2 Claremont Road, Headingley, Leeds LS6 4EB

- 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 V Hayhurst against the decision of Leeds City Council.
 - The application Ref is 24/04876/FU.
 - The development is the erection of a garden room (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I noted at the site visit that a garden room has already been constructed within the garden of the appeal property. It is clear from the plans and evidence that this is the structure referenced in the planning application. However, I have noted a discrepancy in the submitted plans and the additional information that has been provided by the appellant with the appeal in relation to the building as constructed.
3. The proposed site plan submitted with the planning application shows the building to be constructed close to the boundary of and running parallel with Shaw Lane and close to the boundary of the adjoining property at 8 Shaw Lane. Reason for refusal 1 of the decision notice relates to effects on the character and setting of the Far Headingley Conservation Area and the wider street scene, and also refers to the absence of an Arboricultural Impact Assessment (AIA) or Tree Survey. The appellant has submitted an AIA and a topographical survey with the appeal, which show the garden room as constructed in relation to adjacent trees and hedging. These show that the garden room has been constructed in a different position compared to the proposed site plan submitted with the application.
4. In its appeal statement, the Council states that it has reviewed the submissions and sought advice from its Senior Tree Officer. It advises that the parts of the reason for refusal in respect of the absence of an AIA and lack of sufficient evidence to demonstrate that no harm has resulted to the root protection areas of adjacent trees are no longer relevant and this has been addressed.
5. I am mindful that it is not the purpose of the appeal process to evolve a scheme, and it is therefore important that what is considered by the Inspector is essentially what was considered by the Council. Whilst, in certain circumstances, a proposal can be amended through revised plans during an appeal¹, the main, but not the only, criterion on which judgment should be exercised is whether the development

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Accepting the revision to the siting of the building and additional information would deprive those who were entitled to be consulted of the opportunity to make any representations as part of an appeal, which, given the nature of the changes and the matters that have been raised other than the impact on trees, they may have wished to make. Therefore, to ensure no-one is disadvantaged through the appeal process I have not taken the revised plan and additional information into account.

6. In the description of development in the final bullet point to the header in this decision, the term 'retrospective' is used. In accordance with reasoning above, and because this term is not an act of development, I have determined the appeal on the basis that planning permission is being sought for 'the erection of a garden room'.

Main Issues

7. The main issues are the effect of the development on:
 - the character and appearance of the area and whether the proposed development would preserve or enhance the character or appearance of the Far Headingley Conservation Area;
 - adjacent trees; and
 - the living conditions of the occupants of neighbouring properties, with particular reference to privacy.

Reasons

Character and appearance

8. The appeal site comprises a detached bungalow of predominantly stone and slate construction with flat roof off-shoots located within the Far Headingley Conservation Area. The building has been constructed within the front garden, which is the main external amenity space serving the property and set higher than the ground level of the dwelling. This area features existing landscaping, including mature trees, to the boundaries with Claremont Road and Shaw Lane.
9. The Far Headingley Conservation Area Appraisal & Management Plan (2008) (the CAAMP) highlights its origins as a rural, agricultural village of cottages developed on the former common land of Headingley Moor. Its character has changed over time, becoming one of Leeds' urban villages, and it continues to retain a village character. The CAAMP describes the area in which the appeal site sits as not an area of individual grand houses, but of planned linear rows. The significance of the overall CA is therefore derived from its architectural and historic interest. The site contributes to the significance of the Conservation Area through its traditional cottage form, use of materials, and the trees, garden and soft landscaping, with trees being an important part of the distinctive character of the area.
10. The proposal introduces an outbuilding into the front garden area. Due to the layout of the property and its access, there are site specific constraints that limit the ability to site an outbuilding in an alternative location and I have had regard to this in my assessment. The Householder Design Guide Supplementary Planning Document (2012) (the SPD) sets out circumstances where outbuildings will

normally be acceptable, although it does not explicitly preclude their siting within front gardens. The SPD states that the size and scale of the building should reflect its domestic use, and its materials should be appropriate.

11. Whilst the building is modest in scale and does not dominate the garden, despite the muted colour tone, the corrugated sheet material to its rear and side elevations is a discordant feature that is not sympathetically related to the dwelling, the context of the site or the surrounding area, and does not reflect the predominant use of traditional materials. The mature planting to the boundaries would mitigate the visual impact of the development to a relatively large degree. However, at the time of my visit trees were in leaf, although there were views of the site and the building through these from Claremont Road and Shaw Lane. During periods when some tree species would lose coverage this would increase the likelihood for clearer views and adverse visual impact due to the position of the building close to the site boundary as shown on the submitted site plan.
12. The character of the Conservation Area derives from the buildings, layout and surrounding spaces as a whole, regardless of whether particular elements are open to public view. Its significance does not therefore rely only on the elements that can readily be seen. Due to the use of the corrugated material the proposal would have a detrimental impact on the character and appearance of the site and the immediate area, therefore the contribution it makes to the significance of the Conservation Area would be eroded by the development. The development therefore fails to preserve or enhance the character or appearance of the Conservation Area, and it would harm its significance.
13. The appellant has suggested the use of conditions in relation to materials and landscaping. However, I do not consider that it would be appropriate to condition these details through the appeal process, as I have nothing before me to demonstrate that an acceptable development could be achieved. The use of such conditions would also not allow for further consultation and assessment of any alternative proposal where necessary.
14. Based on the information before me and my observations at the site visit, as the effects of the proposal are localised in terms of the Conservation Area as a whole, the harm to its significance would be less than substantial. Regardless of the level of harm, the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
15. Public benefits have not been specifically outlined by the appellant in the appeal documents. However, the appellant's statement refers to the benefits of homeworking and that the garden room is a sustainable form of development, making efficient use of land, supporting the local economy, reducing carbon emissions and improving the health and wellbeing of the appellant. It would be reasonable to treat these aims as being public benefits inasmuch that they would contribute to social, economic and environmental objectives set out in the Framework. However, the extent of the contribution to these objectives would be at a relatively small scale and would not be sufficient to outweigh the harm to the Conservation Area. Whilst noting the appellant's comments, I am also mindful that

it has not been clearly demonstrated that the proposed development is the only means of achieving their objectives.

16. My attention has been drawn to other examples of outbuildings within the appellant's evidence, which I observed as far as I was able to. I do not have full details of all of those developments and their circumstances, although the appellant has provided information on an outbuilding at 23 Grove Road². I noted the position of that building to the front of the property, as well as the significant screening of it by close boarded boundary fencing and landscaping, which made it appear less visible in public views than the appeal proposal. I therefore cannot draw direct comparisons between these examples and the appeal proposal that would weigh in its favour. Accordingly, their presence does not justify the harm that I have identified in this instance.
17. I conclude that the proposed development would have a harmful impact on the character and appearance of the area, and it would fail to preserve or enhance the character or appearance of the Far Headingley Conservation Area. The proposal would conflict with Policies P10, P11 and P12 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan (the CS) and Policies BD6, BC7, N19 and N25 of the Leeds Unitary Development Plan (Review 2006) (the UDP). Amongst other things, these seek that development achieves good design appropriate to its context, protects and enhances historic assets, the conservation and enhancement of the historic environment, and use of materials appropriate to the area. The proposal would also conflict with the SPD in this respect. The reason for refusal also refers to Policy N25 of the UDP, although I do not find this to be determinative to this main issue as it relates to the design of site boundaries and paving materials.

Trees

18. The proposed site plan shows the position of the garden room close to the boundaries of the site in an area featuring a number of mature trees. The siting of the garden room therefore has the potential to impact on the root protection areas of those trees. Any subsequent adverse impacts and harm to the health and condition of the trees would noticeably diminish the overall visible tree coverage in the street scene to the detriment of the character and appearance of the Conservation Area.
19. I have had regard to the advice in the Council's Guideline Distances from Development to Trees, Securing Space for Existing and New Trees (updated March 2011 revised June 2020). As explained procedurally towards the beginning of this decision, I am not taking the submitted AIA into account. Accordingly, it has not been clearly shown that the proposal in the location shown on the submitted site plan would meet the aim set out in the aforementioned Council guidance of enabling existing trees to be sustainably retained in a healthy condition by avoiding damage to roots. Therefore, I have no substantive evidence before me to demonstrate that a suitable form of development would be achieved in this respect.
20. Accordingly, I conclude that the appellant has failed to demonstrate that the development would not have a harmful effect on adjacent trees, or that any such effects could be adequately mitigated. The development therefore conflicts with

² Planning application ref 24/05355/FU

Policies P10, P11 and P12 of the CS and Policies GP5 and N19 of the UDP. Amongst other matters, including those set out above, these policies seek to ensure development protects and enhances natural assets and the visual amenity of the area, resolves detailed planning considerations having regard to relevant guidance, and careful attention is given to landscape treatment. I do not consider Policies BD6, BC7 or N25 of the UDP to be determinative to this main issue as they relate to matters of design and detailing.

Living conditions

21. I viewed the development as built from the garden of the appeal site and also at its lower level close to the boundary with the adjacent property at 8 Shaw Lane. That property is a single storey dwelling at a similar ground level to the appeal property featuring two modest sized windows either side of a door in the elevation facing onto its lawned garden area. Whilst mature trees and other landscaping are in the gardens towards the boundary with Shaw Lane and close to the garden room, the remainder of the boundary is more open with the difference in levels allowing for views between the sites.
22. The garden room was set up for use as a home office at the time of my visit. The double doors face directly onto the appellant's own garden, although there are some views from these towards 8 Shaw Lane. More direct views of the property and garden at 8 Shaw Lane are achieved from the lawn and steps within the garden of the appeal site, whereas the views from the garden room are more oblique. Despite the siting of the garden room at an elevated position, I do not consider that in the position shown on the submitted application plan it would result in significant or harmful overlooking of the adjoining property with an unacceptable loss of privacy or visual amenity due to the separation and the existing mature trees to the boundary that mitigate the potential impacts. Additional planting to the boundary would also further mitigate any impacts.
23. I also noted the location of the garden room in relation to other adjacent properties and those in the wider area, including those on Claremont Court. Given the position shown on the submitted plan and the scale of the garden room, as well as the distance from other properties in the wider area and intervening land, development and landscaping, there would not be any harmful effects on the living conditions of other residents in terms of overlooking or loss of privacy.
24. Notwithstanding the harm to the character and appearance of the area from the garden room, I conclude that the proposed location of the development, as shown on the submitted plans, would not be harmful to the living conditions of the occupants of neighbouring properties with regard to overlooking and privacy. Therefore, the development does not conflict with Policy P10 of the CS and Policy GP5 of the UDP in this respect, which require new development to protect the visual, residential and general amenity of the area, protect privacy and seek to avoid loss of amenity. Furthermore, the development does not conflict with Policy HDG2 of the SPD, which states that proposals should protect the amenity of neighbours.

Other Matters

25. I have noted the representation of support from a neighbour, however, this does not overcome the demonstrable harm and conflict with the development plan that I have identified.

Conclusion

26. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is dismissed.

N Armstrong

INSPECTOR