



Appeal Decision

Site visit made on 21 July 2025

by **P Eggleton BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/N4720/W/25/3363550

Rear garden of 86 Westfield Lane, Kippax, Leeds LS25 7HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Craig Darwell against the decision of Leeds City Council.
 - The application reference is 24/04555/OT.
 - The development proposed is a dormer bungalow accessed via Windsor Close.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on biodiversity.

Reasons

3. The proposal is made in outline for a dormer bungalow with all matters reserved except access which is shown to be from Windsor Close. Although layout, scale and appearance are reserved matters, it must be assumed from the description that the dwelling would have two levels.
4. The indicative sections show a forward facing dormer and an alternative side facing dormer. A side facing dormer would overlook properties to the east or would have a particularly poor outlook. I have therefore discounted this potential option.
5. The site plan suggests that there would only be a gap of about a metre to the side boundary to the east. I am not persuaded that this would allow for the retention of the existing hedge, which is relatively wide and would take up a proportion of that gap. I note the indicative landscape plans shows the hedge to be replaced by a high fence and the permitted adjoining dwelling also anticipates the removal of the hedges to each side. The indicative position of the house and loss of the hedge results in concerns with regard to the likely impact of the new building on 84 Westfield Lane with regard to being overbearing for the residents when in their garden.
6. Given the depth of the footprint shown, it would require a gable of significant height in very close proximity to the boundary. Given the limited width of the plot and therefore the proposed dwelling, it would either require a significant scale of dormer or a high ridge height to allow for accommodation in the roof. I am not persuaded that the distance from the boundary currently shown would be acceptable with

regard to the amenities of the neighbouring residents and it is very likely that it would need to be increased. The footprint of the house is indicative but it would appear to be overly large for the plot as shown and would need to be reduced. I have considered these limiting factors when assessing the impact on the character and appearance of the area.

7. The adjoining permission and red line plan set a limit with regard to the depth of the access position. A plan has not been provided which accurately plots the position of the large tree which is a prominent feature of the site. None of the evidence submitted with regard to the access, landscaping, layout or levels is persuasive that this tree could be retained. As the adjoining site is shown to be in the blue line boundary and that permission could be modified to accommodate a revised arrangement that protects the tree, I find that the current approach represents poor design in this respect. Given the information before me and the scope of this proposal, I must assume that the tree would be lost.

Character and appearance

8. The two houses at the end of Windsor Close, one existing and one permitted, will depart from the prevailing character of the cul-de-sac. Their combined frontages, although retaining and allowing for some planting, are likely to be largely surfaced. Whilst this is not out of keeping with a number of properties on Windsor Close, the long rear gardens of Westfield Lane have historically provided a more verdant backdrop. The existing dwelling is on a wider plot and benefits from the greenery to its west. To its east, the area is undeveloped and currently has an open character that is dominated by trees and other landscaping. I am mindful that the council has accepted the second dwelling, very close to the first, which would involve a significant loss of landscaping. Together, these two houses would result in a more built-up termination to the cul-de-sac but as they have a limited combined width, they would still be experienced within the wider landscaped setting. The approved dwelling has also been accepted in very close proximity to the garden of number 86 but I am unclear of the considerations that led to accepting such a high dwelling in such close proximity to that garden.
9. This proposal, in combination with the existing and permitted dwelling, would result in a much greater perceived extent of development and a greater loss of landscaping. Rather than appearing as the end stop to the cul-de-sac, the currently proposed dwelling would continue to the side of 7 Windsor Close. This would result in a much greater impact, both enclosing the cul-de-sac and reducing the relief currently provided by the retained landscaping. Although landscaping is left to reserved matters, there would be little room for any significant replacement planting to the front of the properties. This proposal would significantly increase the scale of surfacing and the loss of landscaping. Given the likely difficulties that would be associated with manoeuvring in and out of the second parking space, shown on the indicative landscaping plan, this adds to my concern.
10. The proposed street elevations, submitted during the appeal process, include an outline of a dwelling with a front dormer and a much lower height compared to the existing and approved houses. It is shown as having a lesser width and a greater gap between houses than is shown on the layout plan. This suggests that the new property would be relatively subservient in height, set at a low level and it would be of a similar height to the dwelling at 7 Windsor Close. It is self-evident that the smaller the proposed building would be, the less of an impact it would have.

However, given the reduction in vegetation, the scale of the surfacing and the extent of development beyond the cul-de-sac head, I am not satisfied that any dormer bungalow on this site would sit comfortably in this position. The greater width of development overall, the perceived density with the houses filling almost all of the width of their plots and the position of the proposed property beyond the head of the cul-de-sac, together with the associated loss of greenery, would result in harm to the character and appearance of this area.

11. The supporting text to policy H2 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) (CS) is clear that the development of residential gardens will depend on how much the garden contributes to the visual and spatial character of the area rather than the quality of the design. This proposal would take away the open area that will be important with regard to the setting of the approved dwelling. As it would take up almost the entire width of the garden, it would leave little potential to continue to contribute positively to the visual and spatial character of the area. It would therefore conflict with policy H2(a) with regard to the contribution to visual and spatial character. It would also conflict with the design objectives of CS policy P10 particularly part (i) which requires that the size, scale, design and layout of the development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality. There would also be some conflict with the objectives of CS policy P12 in relation to landscape quality and character. The landscaping and design matters have not been resolved as is required by policy GP5 of the Unitary Development Plan (Review 2006).

Biodiversity

12. As the proposal is being put forward as a self-build it would be exempt from mandatory biodiversity net gain although the mechanism for securing self-build status has not been put forward. A report has been submitted during the appeal to demonstrate compliance with CS policy G9 which requires an overall net gain in biodiversity, commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation, and enhancement. It advises that any trees required to be removed will be replaced at a 3:1 ratio and any hedgerow removals will be compensated for with native hedging.
13. There appears to be a disconnect between the landscaping plan and the ecology report. Based on the indicative landscape plan, it seems that all existing hedges are to be lost and replaced by timber fences. Some planting beds are proposed around the large area of lawn. The information appears to be inaccurate with regard to the existing trees, although some new trees are shown. Whilst this is a matter that could be addressed by condition, the information presented does not provide confidence that the policy requirements would be met.

Other matters

14. The proposal would result in social benefits from the provision of a new house and from the contribution that new residents would make to the community. This is a relatively sustainable location within an existing residential area. There would also be economic benefits from the construction phase and from the spending of the new residents. These matters do provide weight in favour of the proposal although they have to be considered with regard to the council's positive housing supply position.

Conclusions

15. The proposal would result in harm to the character and appearance of the area. The biodiversity position is not fully resolved. There are matters that provide weight in favour of the proposal but given the council's positive housing position, I do not consider that these outweigh the harm that I have identified. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR