



Appeal Decision

Site visit made on 13 August 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th September 2025

Appeal Ref: APP/N4720/W/25/3363252

Land off Ings Grove, Guiseley, Leeds, West Yorkshire LS20 9FR

- 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 and Mrs Elsworth against the decision of Leeds City Council.
 - The application Ref is 24/04006/FU.
 - The development proposed is described as: *erection of self-build dwelling*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council amended the description of development during the application stage without the written agreement of the appellant. At appeal, it acknowledged it was entered at validation but not revised by the planning officer. Accordingly, I have used the description from the original application form.
3. The appeal site lies within the Guiseley Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. Throughout the appeal, discussion is made about the appeal site and its relationship as part of a previous application. According to the Council, an application for two dwellings opposite to the appeal site noted that this area was due to form a landscaped area for the amenity of residents of the Ings Grove development and to form a buffer to the railway line which runs alongside it. It follows that a separate appeal (APP/N4720/W/25/3363253) has been submitted. This appeal seeks to remove or vary planning conditions which relate to the development of the two dwellings opposite to the appeal site. I am the Inspector appointed to come to a decision on both appeals. Therefore, whilst these appeals are separate to each other and are subject to their own decision, they are somewhat interrelated, as noted by the appellant. Nevertheless, whilst I have had regard to each appeal throughout my decision, they are subject to their own independent findings.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the local area, and the extent to which it would preserve or enhance the character or appearance of the Guiseley Conservation Area;

- the living conditions of the future occupiers of the scheme with particular regard to privacy;
- the effect of the scheme on Biodiversity Net Gain; and,
- the effect of the development on the living conditions of neighbouring occupiers, with particular regard to outlook, overshadowing and privacy.

Reasons

Character and appearance

6. The appeal site is situated within the Guiseley Conservation Area (CA), which embodies the town's historical identity as a prosperous mill town. A defining feature of the CA is the enduring presence of large industrial mill buildings that line the centrally located railway, underscoring the area's industrial heritage. These mills are typically encircled by residential development, a spatial arrangement that reflects the historical relationship between industry and community in Guiseley's growth. Architectural styles within the CA vary according to building function. Despite these stylistic differences, the consistent use of local stone, typically with surrounding landscaping of varying prominence, provides a unifying material palette that reinforces the area's visual cohesion. The significance of the CA is therefore rooted in its distinctive layout, material consistency, and the historical narrative conveyed through its built form.
7. The appeal site is a previously developed area of land which is part of a wider estate of recently constructed dwellings. It forms a small corner area which is bound by the railway line on one side, Ings Lane to another and the wider estate which it is part of. In its existing condition, the appeal site is of limited quality and therefore makes a negative contribution to the character or appearance of the CA.
8. Policies P10 and P11 of the Leeds Core Strategy 2019 (CS), along with Policy N19 of the Leeds Unitary Development Plan 2006 (UDP), collectively emphasise the importance of high-quality design in new developments, particularly within Conservation Areas. Policy P10 of the CS requires that development respects its surroundings in terms of size, scale, layout, and character, while Policy P11 of the CS promotes the conservation and enhancement of the historic environment, encouraging innovative design that integrates sensitively. Policy N19 of the UDP reinforces these principles by requiring that new buildings in Conservation Areas preserve or enhance their character through appropriate siting, scale, design, and materials.
9. The wider estate in which the appeal site sits hosts two storey properties with simple window proportions and are constructed primarily from stone with elements of render. By reason of its position and close distance to the dwellings which make up the Ings Grove estate, the proposed development would have a strong relationship with the built form found within it. The proposed building, while adopting a gabled roof consistent with the wider estate, diverges from the pattern of development by orienting its gable toward the street. The front canopy would be sited immediately off the road edge with no relief from the highway. These design elements would assist in creating a building which would appear confined within its plot. Its modern glazed fenestration would create a contemporary appearance which is not common in the surrounding area. The proposed larch timber cladding would contrast sharply with the materials used on surrounding properties.

10. Collectively, these elements result in a design that would appear confined and visually discordant with both the character or appearance of the area and the CA. The proposed development would not reflect the relevant defining characteristics of the CA or the immediate area in which it has a strong relationship with. As such, it would fail to preserve or enhance the character or appearance of the CA.
11. The appellant suggests that the facing materials could be secured through a planning condition. Despite this, materials are detailed on the proposed plans and therefore are found to be harmful in the context of this appeal. While I acknowledge that a suitably worded condition could address this aspect of the scheme, this would not mitigate the broader concerns regarding the harmful impact to the character and appearance of the area and the CA.
12. It is also contended that as this would be a self-build property, it is therefore unique, and this is a fundamental element to self-build dwellings. However, in my assessment of the policy requirements in relation to this main issue, it does not note that an exemption is made, particularly in Conservation Areas, for self-build properties to work against the character or appearance of the surrounding area.
13. To conclude, the proposed development would conflict with Policies 10 and 11 of the CS and N19 of the UDP.
14. In addition to those cited above, the Council have quoted Policies GP5, N23, N25 and LD1 of the UDP in their decision. These policies are focused on landscaping, open space and boundary treatments. Whilst I recognise their importance to the wider issue of the landscaping of this appeal site in connection to a previous planning permission, this is the subject of its own decision. Therefore, these policies are not determinative for this main issue.

Living conditions of future occupants

15. The proposed dwelling would be positioned to the rear of Nos. 7 and 8 Ings Grove, with its private amenity space oriented side on in relation to these neighbouring properties. The visibility from No. 7 Ings Grove would be minimal, as visibility from its upper floor windows would be largely restricted to the side elevation of the new dwelling. Due to the angled siting of the proposal and the presence of an extended canopy, direct visibility into the appeal site would be significantly reduced. Furthermore, any view from No. 7 would require occupants to deliberately adjust their position within the window, thereby limiting the potential for natural overlooking to this proposed amenity space.
16. However, when viewed from the first-floor windows No. 8 Ings Grove, the proposed amenity space would be readily visible. This visibility would be further intensified by the difference in ground levels between the two dwellings, which would allow for an unobstructed view of the paved terrace area. Thus, this would have a negative effect upon its privacy.
17. To conclude, the proposal would conflict with Policy P10 of the CS and Policies GP5 and BD5 of the UDP. These policies require new development to protect residential amenity through high quality design, with specific regard to space and privacy.

Biodiversity net gain

18. Policy G9 of the CS requires development to demonstrate that there would be an overall net gain for biodiversity which is commensurate with its scale, that there would

be an enhancement to existing wildlife habitats and that there would be new opportunities for wildlife, amongst other things. The application was absent of a detailed metric assessment.

19. It is contended that the proposed development would be a self-build property and therefore, an exemption to the national mandatory Biodiversity Net Gain (BNG) provision is claimed. However, to qualify for this exemption, an appeal involving a self-build scheme should be accompanied by a planning obligation that secures the dwelling for this purpose. The appeal is absent of such an obligation and therefore, this is not secured by any degree of certainty and therefore, there is no clear valid exemption. The national BNG requirements do therefore apply.
20. The appellant proposes that the necessary information could be secured through a planning condition. However, the Biodiversity Planning Practice Guidance (PPG) clearly states that BNG is not solely a post-permission consideration. To ensure that the BNG objective is effectively achieved, it is essential that biodiversity is integrated throughout the planning process. Applicants are expected to address BNG at the earliest stages and to incorporate it into site selection and design. The appellant's approach therefore falls short of the proactive and embedded consideration required by national guidance.
21. The PPG sets out the minimum information requirements for BNG that must accompany a planning application. This includes, amongst other things, a completed biodiversity metric calculation that establishes the pre-development ecological value of the site. These requirements will allow consideration of existing habitat baselines for relevant applications so there is a common understanding about the pre-development biodiversity value of the development's onsite habitat at this stage. In determining an application, it is essential to assess whether any proposed condition relating to BNG could realistically be discharged. In this case, the absence of key evidence, most notably, a biodiversity metric, means there is no evidence before me to show how the requirements of BNG would be met. There is no strong justification to make an exception to this established principle.
22. The appellant refers to a previous appeal decision within the same borough, where the application was similarly not supported by evidence such as a BNG metric. In that instance, the appellant expressed willingness to accept a suitably worded condition to secure biodiversity enhancements. However, the circumstances of that appeal differ from the current case. Notably, the earlier application was submitted prior to the introduction of mandatory BNG requirements, and it was acknowledged that those obligations did not apply to existing applications at the time. Yet, a condition was still applied to provide these gains.
23. On the other hand, these national requirements have been in situ for some time and there is no good reason before me to suggest why the minimum information requirements have not been provided. As such, the example cited carries limited relevance and affords minimal weight in the determination of this appeal.
24. To conclude, the proposal would therefore fail to comply with Policy G9 of the CS, of which its requirements have been detailed above.

Living conditions of neighbouring occupiers

Outlook

25. The proposed development would be sited behind the rear gardens of No. 7 and 8 Ings Grove. The Neighbourhoods for Living Residential Design Guide 2015 (RDG) notes that the ground floor to the side of a property should provide a distance of 12 metres. The proposed building would not be constructed in parallel with its boundary and as such, this would result in a building which would meet this guidance in some sections, yet fall short in others. This would result in an inconsistent adherence to the guidance found within the RDG.
26. However, the RDG is guidance. It is important to have regard to the specific characteristics of the appeal site and the proposal. When viewed from the ground floor of No. 7 Ings Grove, due to the drop in topography from these neighbouring properties to the appeal site, the appeal building would appear lower than the other properties within the immediate area. As such, when combined with its angled position away from this neighbouring property and the distance which would be provided between the two buildings, I do not consider that this would have an unacceptable effect to the outlook of No. 7 Ings Grove.
27. With regard to No. 8 Ings Grove, the rear of the proposed dwelling would be close to the boundary of, and therefore the rear elevation of this neighbour. However, owing to its angled position to this property, its lowered position and its siting within the appeal site, this would not result in a situation where the full side elevation would be at an unacceptable distance to this neighbouring property.

Overshadowing

28. The proposed development would be situated near to the rear garden boundaries of the existing dwellings at Nos. 7 and 8 Ings Grove. Given the site layout, the building's orientation, and the anticipated trajectory of sunlight, there is potential for some evening shading to occur within portions of these gardens.
29. However, the proposed building would be positioned at a lower elevation relative to Nos. 7 and 8. It would also be visually and physically separated by a boundary fence which itself would create some shading. Furthermore, the separation distance between the proposed structure and the principal patio areas of the neighbouring properties is notable. Taking these factors into account, the development would not result in an unacceptable degree of overshadowing to either No. 7 or No. 8 Ings Grove.

Privacy

30. The Council note that the balcony to the rear elevation would be provided at a close distance away from the boundary with No. 8. It is contended that this would afford direct views of its rear elevation and garden. However, although the rear balcony is close to the boundary with No. 8, the extended wall along the side elevation would enclose this balcony and shield views from that position. This would limit views directly to the rear to a small corner of the garden of No. 8. When combined with the height difference between the two sites, this design would prevent overlooking into the main patio area or the rear elevation of No. 8.

Summary

31. To conclude, for the reasons outlined above, the proposal would not conflict with Policy P10 of the CS, Policies GP5 and BD5 of the UDP and the guidance found within the RDG. These policies and guidance seek for development to not result in the loss of amenity to neighbouring properties.

Other Matters

32. The Council note that the appeal site was to form a landscaped area for the amenity of residents of the Ings Grove development and to form a buffer between the development and the adjacent railway line. As previously noted, this appeal is somewhat interrelated to another appeal (APP/N4720/W/25/3363253) for which I am also tasked to make a decision on. In this appeal, I have found that condition 12, which relates to the provision of a landscaping scheme, is necessary and reasonable. In light of this finding, the development of the appeal site with one additional dwelling would reduce the landscaping buffer to the wider Ings Grove development.
33. Representations to support the application were provided. It was suggested that this development would allow for the wider development of Ings Grove to be completed. However, this proposal is not the only available option to complete the wider development.

Planning and Heritage Balance

34. The harm to the CA as a result of the proposed development would be less than substantial in the terms of the National Planning Policy Framework (the Framework). Paragraph 215 of the Framework notes that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
35. The proposal would utilise previously developed land within an urban area. It would provide one additional dwelling to the supply of housing. It would also result in local construction employment and its future occupiers would use local shops and services and generate council tax receipts. I attach moderate weight to these above benefits.
36. The Framework makes clear that great weight should be given to a heritage assets conservation. Overall, the public benefits taken together do not outweigh the harm that would be caused to the character or appearance of the CA. Given the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve or enhance the character or appearance of the CA. The scheme thereby conflicts with the approach to heritage assets in section 16 of the Framework. Consequently, the Framework does not indicate in favour of the scheme.
37. Furthermore, I consider that the proposal conflicts with the development plan taken as a whole. Material considerations do not outweigh the conflict with the development plan. A decision should therefore be taken in accordance with the development plan.

Conclusion

38. For the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR