



Appeal Decision

Site visit made on 5 February 2026

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 April 2026

Appeal Ref: APP/N4720/W/25/3376417

Land adjacent to 1 Netherfield Terrace, Yeadon, Leeds LS19 7PD

- 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 Julien Lasson against the decision of Leeds City Council.
- The application reference is 25/04666/OT.
- The development proposed is one detached dwelling (all matters reserved).

Decision

1. The appeal is allowed and outline planning permission is granted for one detached dwelling (all matters reserved) on Land adjacent to 1 Netherfield Terrace, Yeadon, Leeds LS19 7PD in accordance with the terms of the application, reference 25/04666/OT, subject to the conditions in the attached schedule.

Preliminary and Procedural Matters

2. The application was submitted in outline, with all matters reserved for subsequent consideration. I have therefore treated the submitted site plan, showing an internal site layout, as being for illustrative purposes only. Notwithstanding this, the submitted Design & Access Statement ("the DAS") set certain parameters for the proposal, which the appellant relied on during the appeal in addressing the Council's concerns. I have therefore treated those parameters – which I describe below – as being rather more than illustrative.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Yeadon Conservation Area.

Reasons

4. The appeal relates to an almost triangular piece of land, approximately 500m² in area, which sits alongside, and is associated with, No 1 Netherfield Terrace. Netherfield Terrace is a terrace of eight houses on a short unadopted no-through-road leading off Queensway, a little way north-west of Yeadon town centre. No 1 is at the far end from Queensway; it has a private rear garden, and is separated from the appeal site by a narrow public footpath. Land levels fall across the site from east to west, moving away from the end of Netherfield Terrace towards the rear of houses on Swincar Avenue. The site is used as garden and amenity space for No 1; there is a collection of outbuildings towards the southern edge of the site, though it is mostly open with rough grass, planted beds, several trees, and areas of hardstanding. There are a variety of boundary treatments including timber fences and low stone walls.

5. The site is within the Yeadon Conservation Area (“the YCA”), and I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the NCA. As heritage assets are irreplaceable, the National Planning Policy Framework (“the Framework”) states that they should be conserved in a manner appropriate to their significance (paragraph 202). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 213) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 215).
6. The YCA was first designated in 1973, when it was tightly focused on the historic medieval village and the 19th century civic and commercial core of the town. It was significantly enlarged in 2012 to take in several areas extending outwards from the town centre, including the appeal site.
7. The Council’s 2012 YCA Appraisal and Management Plan (“the AMP”) summarises the special interest of the conservation area as whole as being derived from the town’s dramatic hilltop location; the surviving medieval form of winding lanes in Town Street and Ivegate in the town centre; the use of sandstone which unifies the built environment, despite significant differences in style between simple 18th century buildings and the more ornate buildings of the 19th century; the use of traditional stone surfaces in the public realm; and green spaces and the connection of the town to its surrounding countryside setting.
8. The sub-area of the YCA including the appeal site is described as being a “somewhat detached” area of the historic town. Its principal building is the late 19th century Grade II Listed Church of St Andrew, which is some way (and cannot be seen) from the appeal site. Netherfield Terrace is one of several terraces of stone-built workers’ housing within the area, and makes a positive contribution to the YCA.
9. Two of the appeal site’s three sides also mark the boundary of the YCA. While the site’s openness provides something of a visual and spatial buffer between the end of Netherfield Terrace and areas to its north, west and south which lie outside the conservation area. At the same time, the appeal site does not have intrinsic value as amenity space, and the outbuildings on it are of low quality. At most I consider that the appeal site makes a neutral contribution to the special interest and significance of the YCA.
10. The DAS describes the proposal as being for a single-storey building, with a biodiverse green roof, and of materials including local stone and timber cladding. The building is proposed as having a “roughly triangular footprint”, with a reasonable amount of private amenity space, including a retained large mature tree, at its rear. Notwithstanding that layout, appearance, landscaping and scale are all reserved matters, it must be inferred that the proposal is for a building following a decidedly contemporary design approach, quite distinct from the 19th century housing of Netherfield Terrace, and the blocks of 20th century houses on Swincar Avenue to the east. However, difference does not in itself necessarily amount to causing harm.
11. A low-profile building set at a slightly lower land level would not visually dominate Netherfield Terrace. While the dwelling would be seen by pedestrians using the public footpath alongside the site, by occupiers of houses on the eastern side of Swincar Avenue and users of the private service road behind them, and possibly in

glimpsed views from Swincar Avenue at the entrance to that service road between Nos 28 and 30, it would not intrude on or dominate any significant views within, or into, the YCA.

12. Looking at the pattern of development on Swincar Avenue and Manor Close, to the west and south, the appeal site has the appearance of something of an unloved remnant of land. The AMP describes a threat to the special character of the YCA from garden subdivision, and advises infill development should respect the scale, massing and proportion of its townscape surroundings, and notes that the spaces between structures are as important to the character of the area as its buildings. It notes that gardens are a defining feature of the larger, villa-type residences and terraces. In this case, although the appeal site is described as a garden, it is both physically and functionally separate from the private rear garden on the south side of No 1. In my view, there would be no harm arising from “garden” loss in this case.
13. In respect of the St Andrews sub-area, the YCA notes the opportunity to repair the damage done to the integrity of the townscape by the insensitive 20th century redevelopment of this area, by ensuring that new development responds to the historic urban form of the area and the underlying topography. As it would use a garden plot the appeal scheme would be new development, rather than redevelopment. However, I am satisfied that, as long as details of sufficiently high quality are secured at reserved matters stage, a dwelling can be created which uses materials and textures which blend into the wider YCA, while also providing visual interest on an awkward – and currently underwhelming – site alongside a pedestrian route into the town centre. None of the factors from which the YCA derives its significance, which I have summarised in paragraph 7 above, would be adversely affected by such a scheme.
14. Taking all of this together, I conclude that the proposed development would preserve the character and appearance of the YCA. As such, there would be no conflict with Saved Policy GP5 of the 2006 Review of the Leeds Unitary Development Plan (“the UDP”) or with Policies H2, P10 and P11 of the 2019 Selective Review of the Leeds Core Strategy (“the LCS”). Together, and among other things, these policies seek to ensure that new development is well-designed and appropriate to its location; that housing development on non-allocated sites does not use land which has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic or spatial character of an area; and that heritage assets, including conservation areas, are conserved and enhanced.
15. The proposal would also comply with the provisions of the Framework which seek to conserve and enhance the historic environment. As I do not find that the proposal would cause harm to or loss of heritage assets, it is not necessary to apply the public benefit test set out in Paragraph 215 of the Framework.

Other Matters

16. I have had regard to submissions made by interested parties; some of the points made related to matters which I have addressed above. While I note concerns about overlooking of, and loss of privacy at, the rear of Swincar Avenue, I note from a visual assessment of scale bar on the submitted drawings that the appeal site is at least 30m from the nearest rear windows of those dwellings, and this

comfortably exceeds what might reasonably be considered an acceptable minimum separation given the urban and suburban nature of the area. The distance to rear gardens would of course be somewhat shorter than that but some gardens are screened by substantial outbuildings and, while there is already some overlooking of gardens from the public footpath, this is not unusual where paths run at the rear of dwellings. I am satisfied that it would be possible to develop a detailed scheme which does not significantly adversely affect neighbouring amenity.

17. Concerns were put forward about how the appeal site would be accessed, including during the construction phase. Although the footpath passing the appeal site was quiet at the time I carried out my site visit, I recognise that it may be busy at other times of the day. While I acknowledge that there would be interaction between users of the footpath and construction traffic during the development phase, this would be relatively short-lived and, in any event, is not an unusual situation. A construction management plan, secured by condition, can be used to address any particular concerns.
18. The Council also considered the matter of where the proposed access point would be connected to the highway network, including the possibility of creating access from Netherfield Close rather than Netherfield Terrace. It did not raise a fundamental objection to the proposal on this matter, apparently being content that it could be dealt with at the reserved matters stage. Nothing I have seen leads me to a different view. The question of whether access can, or would, be granted over other private land if required is ultimately a private legal matter for the relevant parties to resolve (or not, as the case may be).
19. Concerns put forward about potential impacts on property values are not, as the person expressing them noted, a material planning consideration. They have not weighed significantly on my decision.

Conditions

20. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. I have also taken into account the appellant's comments in response. Where necessary I have made minor alterations to the wording and ordering in the interests of clarity and effectiveness.
21. In addition to the "standard" conditions in respect of the submission and approval of the reserved matters and the commencement of development (1—3), in the interests of certainty a condition specifying the approved documents (4) is necessary. This condition specifies the location plan, insofar as it defines the access point and site boundary and retained tree, and, for the reasons which I have set out in paragraphs 2, 10 and 11 above, the DAS.
22. Conditions requiring the submission and approval of further details of space and accessibility standards (5 and 6) are necessary to secure a development which is acceptable in those respects and which complies with the relevant development plan policies. A Statement of Construction Practice (7) is necessary to protect neighbours' living conditions, and in the interests of highway safety.
23. Conditions relating to foul water and surface water drainage (8 and 9) are necessary to ensure the development is acceptable in these respects and to

prevent an increased risk of flooding. Conditions relating to the assessment and, if necessary, remediation of any contamination on the site (10) and soils or other fill materials (11) are necessary to minimise risks to site workers, local residents, and ecological systems

24. I have not imposed conditions relating to materials, bin stores, cycle or motorcycle storage, electric vehicle charging points, vehicle parking and turning areas, boundary treatments, hard and soft landscaping, and the retention and replacement of trees, hedges and bushes (Nos 4, 7, 9, 10, 11, 12, 13, 18, 19 and 20 on the Council's suggested list). While they may well be necessary to make the development acceptable in planning terms, they all address issues which can and should be dealt with as part of reserved matters applications.

Conclusion

25. I have found that the proposed development would comply with the policies of the development plan, and there are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above I conclude that the appeal should be allowed and outline planning permission granted, subject to the conditions in the attached schedule.

M Cryan

Inspector

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The details submitted pursuant to Condition 1 above shall be in accordance with the submitted location plan (reference No TQRQM25153114558556, dated 2 June 2025) insofar as it defines the site boundary, access point, and mature tree to be retained, and with the submitted Design & Access Statement.
- 5) The details submitted pursuant to Condition 1 above shall demonstrate how the development shall comply with Policy H9 of the 2019 Selective Review of the Leeds Core Strategy in respect of relevant space standards.
- 6) The details submitted pursuant to Condition 1 above shall demonstrate how the development shall comply with Policy H10 of the 2019 Selective Review of the Leeds Core Strategy with regard to achieving an accessible and adaptable housing.
- 7) Development shall not commence until a Statement of Construction Practice ("SCP") has been submitted to and approved in writing by the Local Planning Authority. The SCP shall include full details of:
 - a) 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 SCP 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 SCP shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.
- 8) There shall be no discharges of foul water from the development until a foul drainage scheme including details of provision for its future maintenance (e.g. adoption by the relevant Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 9) No development shall commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the

approved scheme before the development is brought into use, or as set out in the approved phasing details.

- 10) The Local Planning Authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of development on the affected part of the site. The Remediation Strategy shall include a programme for all remediation works and for the provision of verification information.

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 necessary verification information has been approved in writing by the Local Planning Authority.

In the event that no unexpected significant contamination is encountered, written confirmation shall be submitted to the Local Planning Authority prior to occupation of the site.

All reports required under this condition shall be prepared and approved by a suitably qualified and competent person.

- 11) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence, assessment and verification information shall be submitted to, and approved in writing by, the Local Planning Authority prior to the site or phase of the site being brought into use.

In the event that no soil or soil forming materials have been brought to site, written confirmation shall be submitted to the Local Planning Authority.

All reports required under this condition shall be prepared and approved by a suitably qualified and competent person.