



Report of the Chief Planning Officer

Plans Panel North and East

Date: 10th March 2016

Subject: APPEAL by Mr Darren Hirst against the decision of Leeds City Council to refuse planning permission for the erection of nine self-contained flats at Trust Office, Sutton Approach, Killingbeck, Leeds LS14 (Ref: 15/00737/FU).

The appeal was dismissed.

Electoral Wards Affected:

Killingbeck & Seacroft

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Plans Panel Members are asked to note the below summary of the contents of the appeal decision.

1.0 BACKGROUND:

1.1 The planning application was considered at Plans Panel North and East on 28th May 2015. Officers recommended that the application be refused on grounds based around the overdevelopment of the site resulting in harm to visual and residential amenity. Members resolved to accept the officer recommendation and the decision to refuse planning permission was issued on 29th May 2015.

2.0 MAIN ISSUES IDENTIFIED BY THE PLANNING INSPECTOR:

2.1 The planning inspector identified two main issues in this case.

- The effects of the proposal on the character and appearance of the area and;
- The living condition of future occupiers of the proposals with specific regard to outlook, privacy and amenity space.

3.0 SUMMARY OF COMMENTS BY THE PLANNING INSPECTOR:

Character and appearance

- 3.1 The Inspector observed that the area is characterised by semi-detached and terraced properties in an estate layout with small enclosed front gardens fronting onto the pavement, forming a consistent building line. The Inspector noted that rear gardens of properties back onto each other with the rear gardens of No.23 Sutton Approach and 2-10 Collin Road backing onto the appeal site. The Inspector considered the density of the existing estate is relatively low with a spacious feel and mature vegetation in the rear gardens.
- 3.2 The Inspector noted that the appeal site lies adjacent to some allotment gardens and a railway embankment, commenting that the mature trees lining the embankment added to the character of the area. Whilst over-grown the Inspector considered the site contributed to the open character of the area, affording views of the allotments and rear gardens of properties along Collin Road.
- 3.3 The proposal involved two separate blocks of flats situated one behind the other, with the front block facing Sutton Approach and rear block situated perpendicular to the properties on Collin Road. The inspector considered that the large rectangular footprint, together with the layout and orientation of the blocks, would be completely at odds with the prevailing building line and character of the area. The Inspector acknowledged that there is a variety of housing styles in Leeds, this particular estate has a consistent character which is locally distinctive, formed by small properties with enclosed gardens fronting onto the road and back to back larger rear gardens.
- 3.4 Furthermore, the Inspector opined that the relatively high density of the proposal, car parking requirements and the confined nature of the site would result in a high proportion of hard standing and built development to the detriment of the proposal's appearance which would appear cramped. Neighbourhoods for Living (SPG) was cited and indicates increased densities should not be at the expense of amenity and the quality of environment.
- 3.5 The Inspector noted that the appeal proposal would be highly visible from Sutton Approach which appeared to be regularly used by walkers to access the openspace beyond the railway line to the south. The proposal would also be visible in views between houses on Colin Road and highway visible to users of the allotment gardens.
- 3.6 The appellants' contention that a reduction in the density of the scheme would render the scheme unviable (due to abnormal development costs) was noted but remarked that whilst viability had been taken into account in the decision it does not justify the harm identified.

Living Conditions

- 3.9 The Inspector noted the disagreement between the appellant and the City Council regarding the amount of amenity space provided in that the appellant appeared to include all the areas of space around the sides of the flat blocks and an area to the front. The City Council excluded the small incidental areas of space and the area to the front (as it is not private) and the Inspector was minded to agree with the City Council's assessment as usability of the spaces provided must also be taken into account, not just the quantity.

- 3.10 The Inspector highlighted a particular concern that occupiers of the front flat block would need to cross a communal car parking area to access the shared amenity space situated to the rear of the other block and considered that this physical detachment would make it unlikely that residents of the front block would utilise this space.
- 3.11 The Inspector also raised concerns regarding the relationship of the communal amenity space to the proposed flats as some would be adjacent to bedroom windows, raising issues of privacy and noise and disturbance to those future occupiers of the flats. In addition, the centrally positioned car parking area immediately abutting the elevations of either flat block would result in future occupiers being subject to noise and disturbance associated with the communal car park and mean the quality of the outlook from habitable rooms being reduced as a result of cars being parked in front of windows.
- 3.12 The two letters of support were also noted but the benefits highlighted would not outweigh the significant harm to the character and appearance of the area and the living conditions of future occupiers.

Conclusion

- 3.13 The Inspector concluded that the proposal by virtue of the grain, layout, and orientation of the blocks and dominant areas of hard standing would be at odds with the prevailing pattern of development would be harmful to the character and appearance of the area. Furthermore, the proposed development would result in a substandard level of accommodation for future occupiers by virtue of insufficient amenity space together with issues of noise, disturbance and inadequate levels of privacy and outlook.

4.0 IMPLICATIONS:

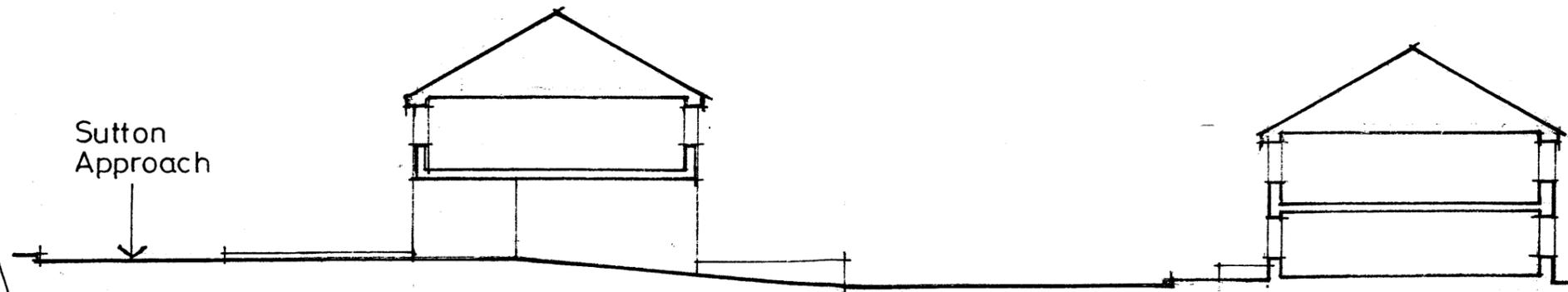
- 4.1 The appeal decision reinforces the importance for development proposals needing to respect local character and achieve high quality design as advocated within the City Council's policies and supplementary design guidance.
- 4.2 In addition, the appeal decision emphasises the importance for development proposals to contribute positively to place making and ensure the quality of life of future occupants is safeguarded in respect of providing suitable usable amenity space, adequate window outlooks and maintaining privacy from habitable windows (particularly in communal car parking and amenity space situations).

Background Papers:

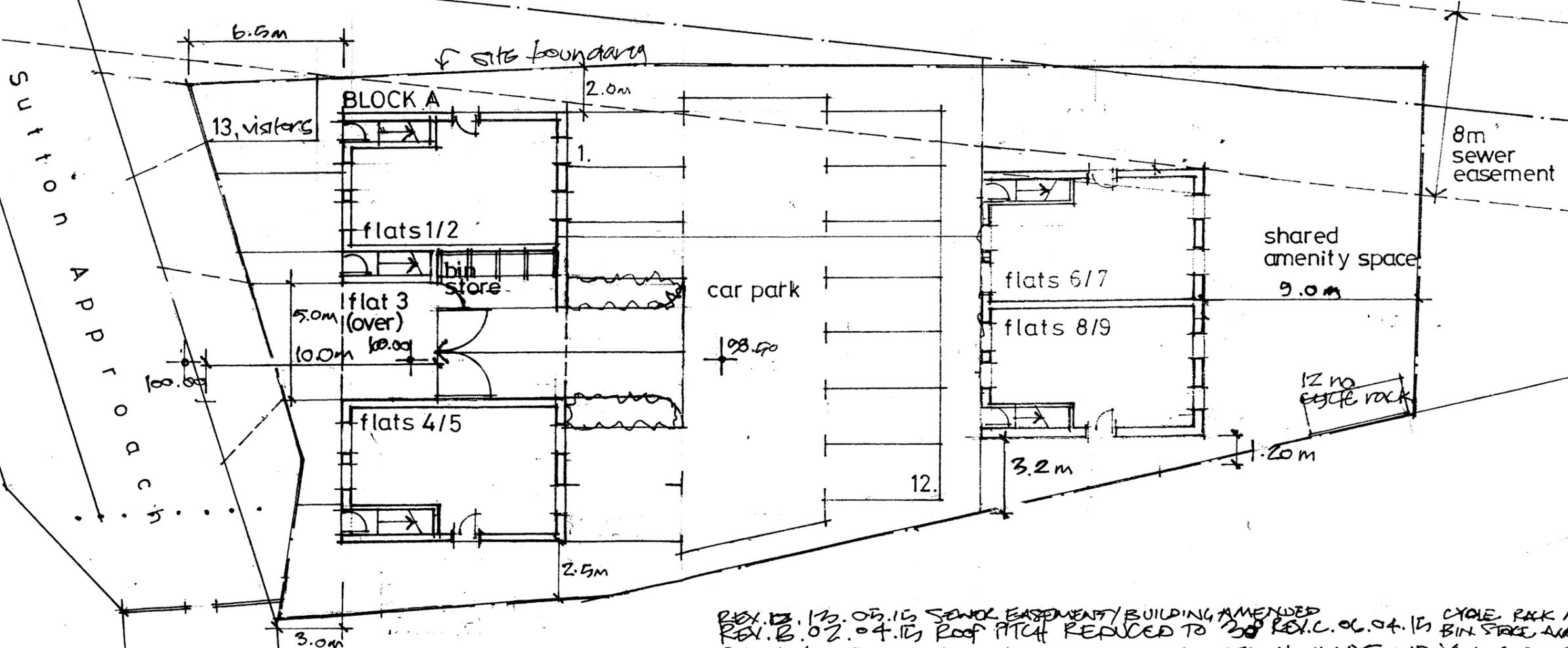
Planning Application File (Ref: 15/00737/FU)

Planning Inspector Decision Letter (Ref: APP/N4720/W/15/3063794)

15/00737 No



SITE SECTION

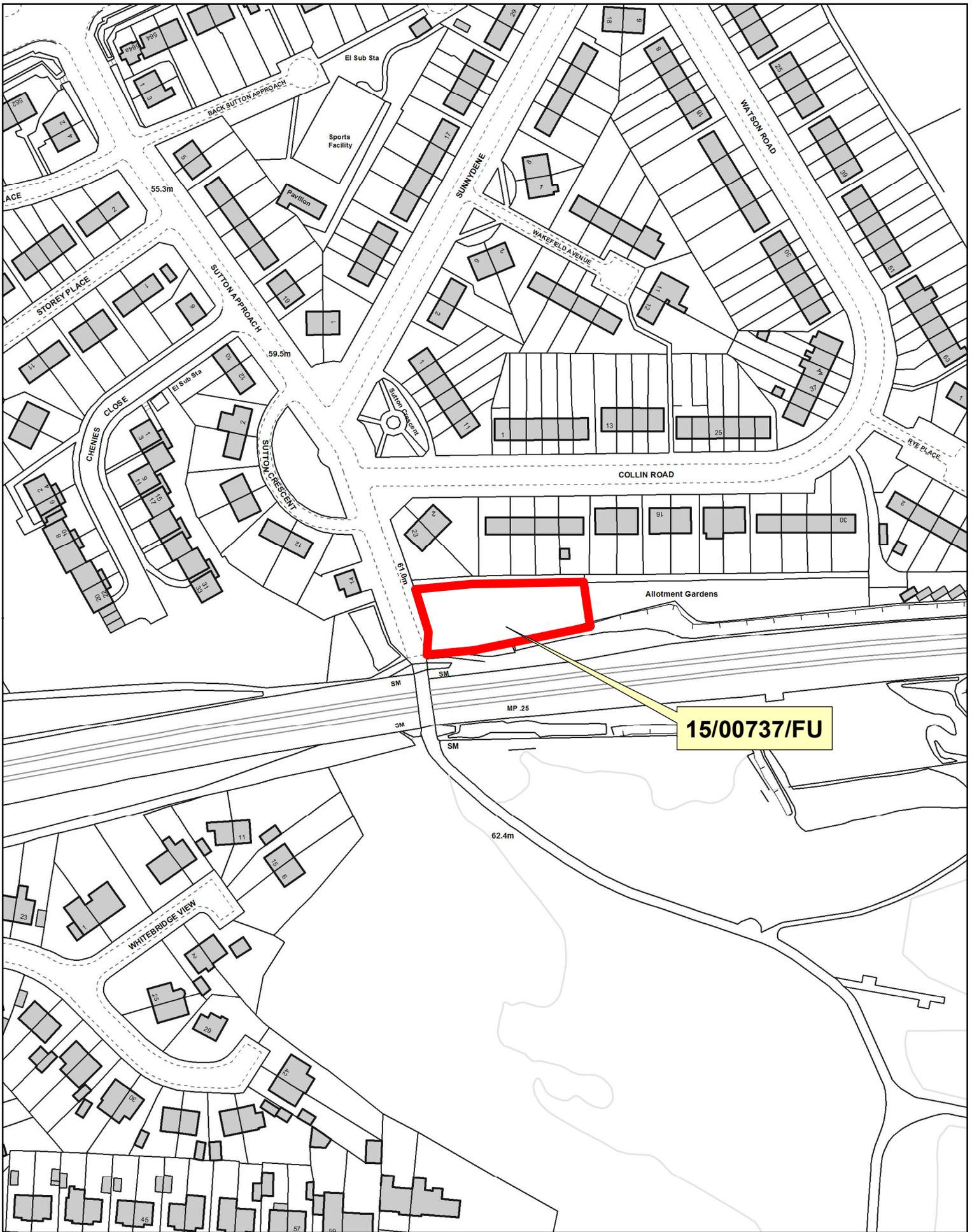


REV. D. 12.05.15 SEWER EASEMENT/BUILDING AMENDED
 REV. B. 02.04.15 ROOF PITCH REDUCED TO 30°
 REV. A. 10.03.15 LAYOUT AMENDED IN LINE WITH HIGHWAYS AND Y.W. COMMENTS
 REV. C. 06.04.15 CYCLE RACK MOVED
 BIN STORE AMENDED

DATE	JOB	SCALE
05.02.15	SUTTON APPROACH KILLINGBECK SCHEME B	1:200
David Jones Chartered Architect	DRAWING SITE LAYOUT	DWG. NO. 14.25.10 <i>A B C D</i>

DO NOT SCALE FROM THIS DRAWING

CHECK ALL DIMENSIONS ON SITE BEFORE WORK COMMENCES



NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

