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**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

**Date: 6<sup>th</sup> October 2011**

**Subject: Application 10/02834/FU – Appeal by Hollybank Securities for the refusal of planning permission for alterations including two storey extension with basement and rooms in roof space to existing detached house to form 6 flats at Hollybank, 5 Gledhow Lane, Roundhay.**

**The appeal was dismissed and the costs application was dismissed.**

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**Electoral Wards Affected:**

**Roundhay**

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION:**

Members are asked to note the following appeal and costs decisions.

**1.0 THE APPEAL WAS DEALT WITH BY A HEARING**

- 1.1 This appeal concerned the refusal of planning permission for the extension and conversion of this property to form 6 flats. The application was recommended for refusal by Officers and this was agreed by Plans Panel. Permission was refused for reasons relating to the overall extent of the development proposed and that it would result in the loss of open mature garden space, result in an unacceptable overdevelopment of the site which would detract from the character and setting of the host property and the open character and appearance of the Roundhay Conservation Area. An application for a full award of costs against the Council on this application was made by the appellants.

**2.0 ISSUES IDENTIFIED BY THE INSPECTOR**

- 2.1 The main issues identified by the Inspector were whether the appeal proposal would preserve or enhance the character or appearance of the Roundhay Conservation Area.

### 3.0 SUMMARY OF COMMENTS

#### Impact upon the character and appearance of the Conservation Area

- 3.1 The Inspector considered the site and surroundings and the potential impact of the proposal would have on the host property, the streetscene and the wider locality. She concluded that the proposal would have an adverse impact upon the Roundhay Conservation Area.
- 3.2 The Inspector agreed with the Council's character analysis of the site, streetscene, conservation area and views from the Park.
- 3.3 The Inspector considered the details of the 'Roundhay Conservation Area Appraisal' and the newly adopted SPD 'Roundhay Ward: Neighbourhood Design Statement' and concluded that the proposal was contrary to this guidance.
- 3.4 The Inspector noted that the locality was characterised by detached buildings positioned in good sized gardens behind tall front boundary walls. That the landscaped gardens provided an impression of spaciousness and that these were features worthy of preservation. She concluded that the proposal would appear as a semi-detached house and this was atypical of the area. The proposed building would dominate adjacent dwellings and would be prominent when viewed from the south east. Ultimately it was considered that "...the appeal scheme would reduce the open character of the appeal site to such an extent that it would not preserve the character or appearance of the Roundhay Conservation Area" (para. 19).

#### **Other Matters**

##### Impact upon amenity of neighbouring properties with regard to privacy and noise.

- 3.5 Local Residents raised concerns regarding loss of privacy and noise and disturbance would occur as the result of the appeal scheme. The Council did not raise this as an issue or reason for refusal. The Inspector concluded that the proposed scheme would not harm neighbours' living conditions in terms of privacy or noise and disturbance and it would accord with UDP Policies BD5 and GP5 and SPG6.

##### Highways Safety

- 3.6 Local residents raised concerns regarding the potential for increased on-street parking as a result of the appeal scheme and its effect on highway safety in terms of congestion and the free flow of traffic and pedestrian safety. The Council did not raise this as an issue or reason for refusal. The Inspector concluded that sufficient off road parking provided in the form of 10 unallocated parking spaces within the appeal site and this can be controlled by condition and concluded that the proposed development would not materially add to congestion problems or problems of safety or efficiency on the highway network

##### Nature Conservation

- 3.7 Reference was made to a fox den and bats roosting in nearby trees. Foxes are not a protected species, however bats are protected species and their potential presence is a material consideration. The Inspector could not conclude with certainty whether bats are roosting within the appeal building or in trees within the appeal site and therefore could not conclude whether or not the proposal would harm bats or their habitat. This renders the proposal contrary to advice in PPS9 and weighs against the proposal.

#### **Conclusions**

- 3.8 The principle of flats at the appeal site is acceptable and the proposal accords with SPG6 in this respect and that the proposal would accord with the objectives of UDP Policy BD5 in respect of the residential amenity of the future occupiers and neighbouring residents and would not create a hazard in terms of highway safety or efficiency on the local networks.
- 3.9 The Inspector concluded that the appeal proposal by virtue of its scale, form, and mass and would create a dominant and discordant development in the streetscene. It would undermine the impression of spaciousness created by the open character of the typical garden sizes within which predominantly detached dwellings are sited. It would not preserve or enhance the character or appearance of the Roundhay Conservation Area and would be contrary to UDP Policies BD6, GP5, N12 and N19 and SPG13, the SPD as well as PPS1, PPS3 and PPS5. Moreover, it cannot be concluded with certainty that the proposal would not harm bats or their habitat, contrary to guidance in PPS9.
- 3.10 For the reasons given above, and having regard to all other matters raised, it was concluded that the appeal should fail.
- 4.0 DECISION**
- 4.1 The appeal was dismissed by letter dated 7<sup>th</sup> September 2011.
- 5.0 COSTS**
- 5.1 The Inspector concluded that the Council had not behaved unreasonably or put the applicant to unnecessary or wasted expense that had been demonstrated and therefore an award of costs was not justified.
- 6.0 IMPLICATIONS**
- 6.1 Members are asked to note the comments of the Inspector in this case and in particular his reference to the Roundhay Conservation Area Appraisal and the Roundhay Design Statement.

**Background Papers**

Planning Application File

Inspectors Decision Letters





10/02034



Project Title		Proposed Residential Development		Drawing Title		Proposed Site Plan	
Client		PSM		Job-Dwg No		8166-421	
Status		Planning		Revisions			
Scale		1:200		Drawing Size		A2	
Drawn By		ASR		Checked By		PSM/AN	
				Date		06/10	

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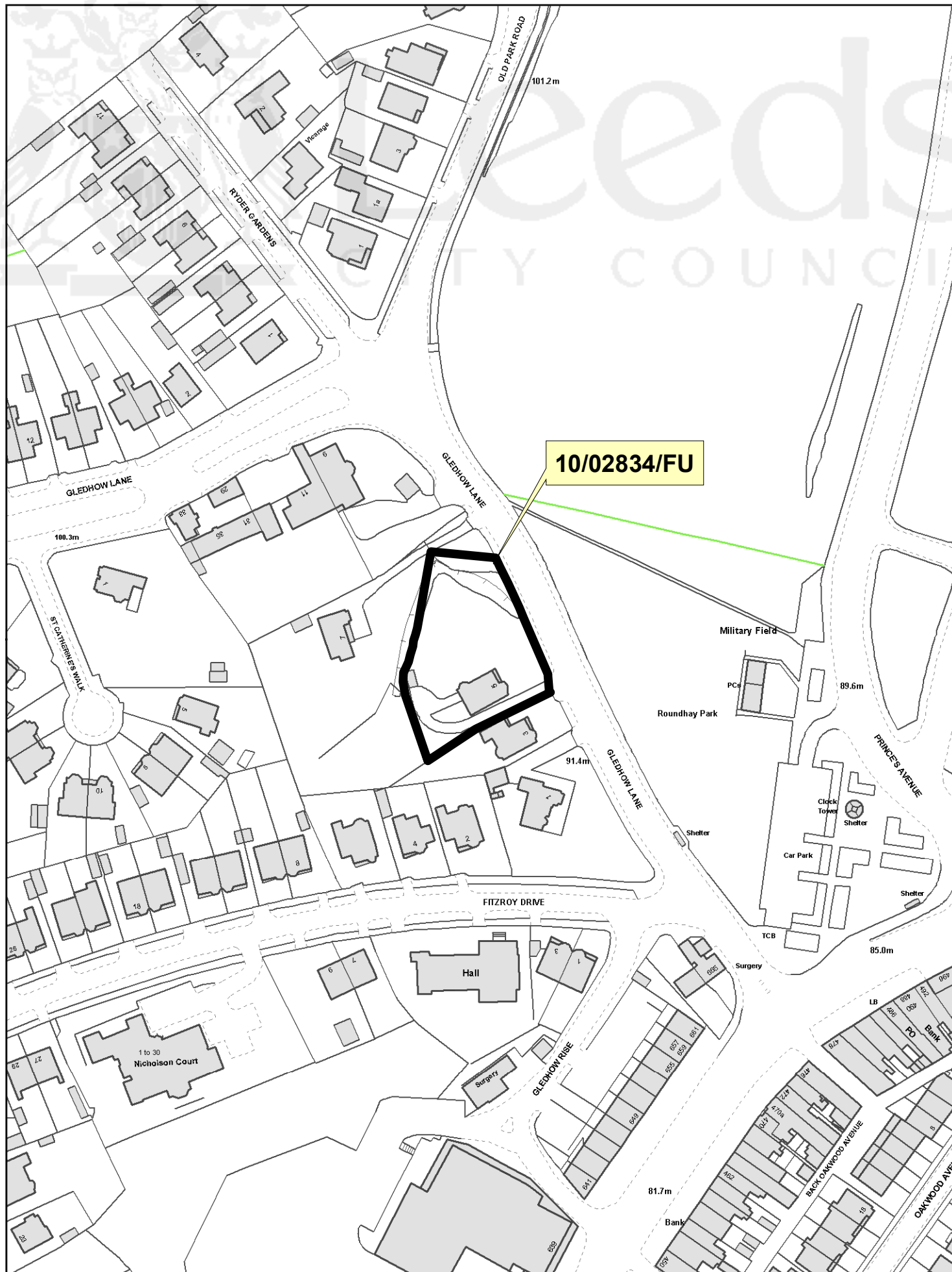
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