



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th February 2020

Subject: Planning Application 18/06186/OT – APPEAL by Mr Patrick Waterhouse against the decision to refuse outline planning permission for a new detached dwelling at 9 Manor Park, Scarcroft, Leeds LS14.

The appeal was dismissed on 8th January 2020

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the following appeal decision.

BACKGROUND

1. This application sought outline planning permission for an additional detached dwelling within the side garden of a detached dwelling within Scarcroft.
2. The Officer recommendation was to grant outline planning permission as it was considered that the proposal complied with the policies of the Council. In particular it was considered that the proposed development would be in keeping with the character of the area; raised no significant concerns relating to highway safety or loss of trees within the site; and that there would be no detrimental impact upon the amenities of the existing occupiers of No. 9 and future residents of the new dwelling in terms of garden sizes. It was recommended that detailed matters relating to layout, appearance, scale and landscaping would be dealt with by any subsequent Reserved Matters submission.
3. Members of North and East Plans Panel resolved not to accept the officer recommendation and instead resolved to refuse outline planning permission for the reasons set out below:

1. *The Local Planning Authority consider that the existing garden to No. 9 Manor Park makes a valuable contribution to the intrinsic character of the area and its development for residential development for one dwelling is considered to be harmful to the spatial character of the area. By virtue of the site's size and location in relation to neighbouring properties, development would result in a cramped form of development which would detract significantly from the spatial character and appearance of the area. As such, the proposal is contrary to Core Strategy Policies H2 and P10, saved Unitary Development Plan Policy GP5, Policies BE4 and H2 of the Scarcroft made Neighbourhood Plan, the guidance contained within the SPG Neighbourhoods for Living and the guidance within the National Planning Policy Framework.*

2. *The Local Planning Authority consider that the proposed development would likely to have a detrimental impact upon the living conditions of the occupants of the proposed dwelling and upon the living conditions of the existing residents at No. 9 Manor Park. In particular, the resulting gardens areas are considered to offer poor and substandard amenity value owing to their likely size and proximity to a number of mature trees along the northern boundary which would give rise to shading conflicts as well as an overall lack of sunlight and daylight. As such, the proposal is contrary to Core Strategy Policy P10, saved Unitary Development Plan Policies GP5 and BD5, Policy H2 of the Scarcroft made Neighbourhood Plan, the guidance contained within the SPG Neighbourhoods for Living and the guidance within the National Planning Policy Framework.*

4. The decision was subsequently issued on 23rd August 2019, and appealed shortly thereafter.

ISSUES IDENTIFIED BY THE INSPECTOR

5. The Inspector identified the main issues to be the effect of the proposal on:
- The character and appearance of the area; and
 - The living conditions of the occupiers of property No. 9 Manor Park and the future occupiers of the proposed dwelling, with particular regard to whether the outside amenity space provided would be acceptable.

SUMMARY OF COMMENTS BY THE INSPECTOR

Character and Appearance

6. The Inspector noted that the properties within Manor Park have in common large gardens, either to the side or to the rear, and thus the open space created between dwellings, particularly by the large side gardens, establishes a feeling of spaciousness and is a feature that makes a significant contribution to the character and appearance of the area.
7. That said, the Inspector noted that the size of the dwellings and plots vary within the surrounding area, although those on the northern and southern side are separated by a substantial amount of open space. In particular, it was noted by the Inspector that whilst the appeal property is located close to the neighbouring property at No. 7, it still maintains a significant gap to its other side. In assessing the appeal, the Inspector resultantly considered that:

“A new dwelling in the side garden of No. 9 would appear as an incongruous, cramped addition that would significantly reduce the open green gap between properties Nos. 9 and 11, thus eroding the spacious nature of the streetscene.”

8. The Inspector concluded by advising that the introduction of a new dwelling in this location would harmfully affect the character and appearance of the area.

Living Conditions

9. The Inspector noted the presence of trees along the rear boundary of the appeal site as well as the retained garden area for No. 9 and highlighted that these (along with the north facing aspect) detract from the amount of daylight and sunlight that parts of the garden receives. As a consequence of the appeal proposal, the Inspector noted that the parts of the remaining garden of No. 9 would have a dark and gloomy feel and would therefore be unlikely to be viewed as a desirable place to sit out in and relax by the occupants of the dwelling. In conclusion, the Inspector commented that the proposal would fail to provide adequate outdoor private space. Thus the living conditions of the occupiers of dwelling No. 9 would be adversely affected and contrary to relevant policies of the Core Strategy and Neighbourhood Plan.
10. With regard to future occupants of the new dwelling, the Inspector noted the outline nature of the application and commented that (whilst taking into account the north facing position of the garden, the existing trees, and the overall size of the plot), it may be possible to provide acceptable outdoor amenity space for future occupiers of the new dwelling. However, this would not outweigh the Inspector’s concerns over the harmful impact that the proposal would have on the living conditions of the occupants of No. 9 in terms of the quality of outdoor amenity space available to them.

Conclusion

11. The Inspector concluded that the appeal should therefore be dismissed as being contrary to Policies H2 and P10 of the Core Strategy, saved Policies GP5 and BD5 of the Unitary Development Plan (Review 2006), Policies BE4 and H2 of the Scarcroft Neighbourhood Plan, the guidance within Neighbourhoods for Living, as well as paragraphs 130 and 127(f) of the National Planning Policy Framework.

IMPLICATIONS

12. The Inspector was very careful to draw out observations of the specific circumstances of this case in the nature of the specific area, the presence of mature trees and the observations made at the site visit and the evidence submitted by third parties as well as that of the Council.
13. The conclusions drawn by the Inspector arise from taking the case proposed on its individual merits. Particular regard was paid to the character of the area, the spaces between dwellings, and the living conditions of the occupants of No. 9, all of which can, of course, be subjective.
14. This shows that despite being within the control and ownership of the appellant, the impact on the living conditions of occupants of the existing dwelling as a result of development in part of the existing garden is an important factor in the assessment of proposals.

15. Further, the appeal also signifies the full weight which should be afforded to policies contained within any made neighbourhood plan.

Background Papers

Planning Application File 18/06186/OT

Inspector's Decision Letter Dated 8th January 2020



Appeal Decision

Site visit made on 12 November 2019 by Andreea Spataru BA (Hons) MA

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2020

Appeal Ref: APP/N4720/W/19/3237407

9 Manor Park, Scarcroft, Leeds LS14 3BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Patrick Waterhouse against the decision of Leeds City Council.
 - The application Ref 18/06186/OT, dated 1 October 2018, was refused by notice dated 23 August 2019.
 - The development proposed is a new build detached dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

3. The application was made in outline with all matters reserved for subsequent approval. The application was accompanied by location and site plans indicating the location of the dwelling on site. I have dealt with the appeal on the basis that the plans are for indicative purposes only and whilst they have informed my decision they have not, in themselves, been determinative.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of property No. 9 Manor Park and future occupiers of the proposed dwelling, with particular regard to whether the outside amenity space provided would be acceptable.

Reasons for the Recommendation

Character and appearance

5. 9 Manor Park is a detached, two-storey dwelling located on the northern side of Manor Park. The property has a large garden to the side and a smaller garden to the rear. The properties located on Manor Park have in common large
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- gardens, either to the side or to the rear. The open space created between dwellings, particularly by the large side gardens, establishes a feeling of spaciousness and is a feature that makes a significant contribution to the character and appearance of the area.
6. The proposed detached dwelling would occupy the side garden of the host property. The existing side conservatory of dwelling No. 9 would be demolished. Whilst the plans are for indicative purposes only, given the width of the plot, a new dwelling would occupy a significant part of the existing open space.
 7. I note that the size of the dwellings and plots vary within the surrounding area. However, most of the dwellings, particularly those on the northern and southern side of Manor Park are separated from at least one of the adjacent properties by a substantial amount of open space.
 8. The appeal property, whilst located close to the neighbouring property No. 7 Manor Park, maintains a significant gap to its other side, through the large side garden. A new dwelling in the side garden of No. 9 would appear as an incongruous, cramped addition that would significantly reduce the open green gap between properties Nos 9 and 11, thus eroding the spacious nature of the streetscene.
 9. Accordingly, I conclude that the introduction of a new dwelling in this location would harmfully affect the character and appearance of the area. Therefore, the development would be contrary to Policies H2 and P10 of the Core Strategy (CS) (Adopted November 2014), saved Policy GP5 of the Unitary Development Plan 2006 Review (UDP) (Adopted July 2006), and Policies BE4 and H2 of the Scarcroft made Neighbourhood Plan (NP), and Supplementary Planning Guidance 'Neighbourhoods for Living' (SPG) (December 2003) which collectively require, amongst other things, that developments respect and enhance existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making. The proposal would also fail to take the opportunities available for improving the character and quality of an area and the way it functions, thus it would conflict with paragraph 130 of the National Planning Policy Framework (the Framework).

Living conditions

10. Policies P10 of the CS, GP5 and BD5 of the UDP and H2 of the NP collectively require new buildings to be designed with consideration given to both their own amenity and that of their surroundings. The Neighbourhoods for Living Supplementary Planning Guidance 2003 (SPG) (page 31) provides more specific guidance for outdoor amenity space and states that private gardens for family homes should have a minimum area of 2/3 of total gross floor area of the dwelling, excluding vehicular provision. It also advises that the usability of a garden depends upon not only on its size and shape, but also its aspect and relationship to adjoining structures and trees. To be fully usable, private garden areas should not be, amongst other things, overshadowed by trees and buildings, to ensure that they get sunshine wherever possible. North facing gardens may require greater length.
11. The rear garden of the proposed dwelling, as well as the remaining garden of No. 9 are facing north. There are several trees to the north and east of the

appeal site. These features together detract from the amount of daylight and sunlight that parts of the garden receive. The rear garden of No.9 has a limited length, and at the time of my visit was partly occupied by a decking with siting area and a detached outbuilding. Given these constraints, parts of the remaining garden of No. 9 would have a dark and gloomy feel and would therefore be unlikely to be viewed as a desirable place to sit out in and relax by the occupants of the dwelling. The proposal would therefore fail to provide adequate outdoor private space, thus the living conditions of the occupiers of dwelling No.9 would be adversely affected.

12. Given that the application was made in outline, matters such as size, scale and the position of the dwelling on site are not determinative. As such, whilst taking into account the north facing position of the garden, the existing trees, and the overall size of the plot, it may be possible to provide acceptable outdoor amenity space for future occupants of the new dwelling. Nevertheless, this consideration does not outweigh the harmful impact that the proposal would have on the living conditions of the occupants of No. 9 in terms of the quality of outdoor amenity space available to them.
13. Consequently, I conclude that the proposal would be harmful to the living conditions of the occupants of No. 9 as it would fail to provide acceptable outside amenity space. The proposal would therefore conflict with policies P10 of the CS, GP5 and BD5 of the UDP and H2 of the NP and the SPG. It would also conflict with paragraph 127 f) of the Framework which seeks to ensure that developments have a high standard of amenity for existing users.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

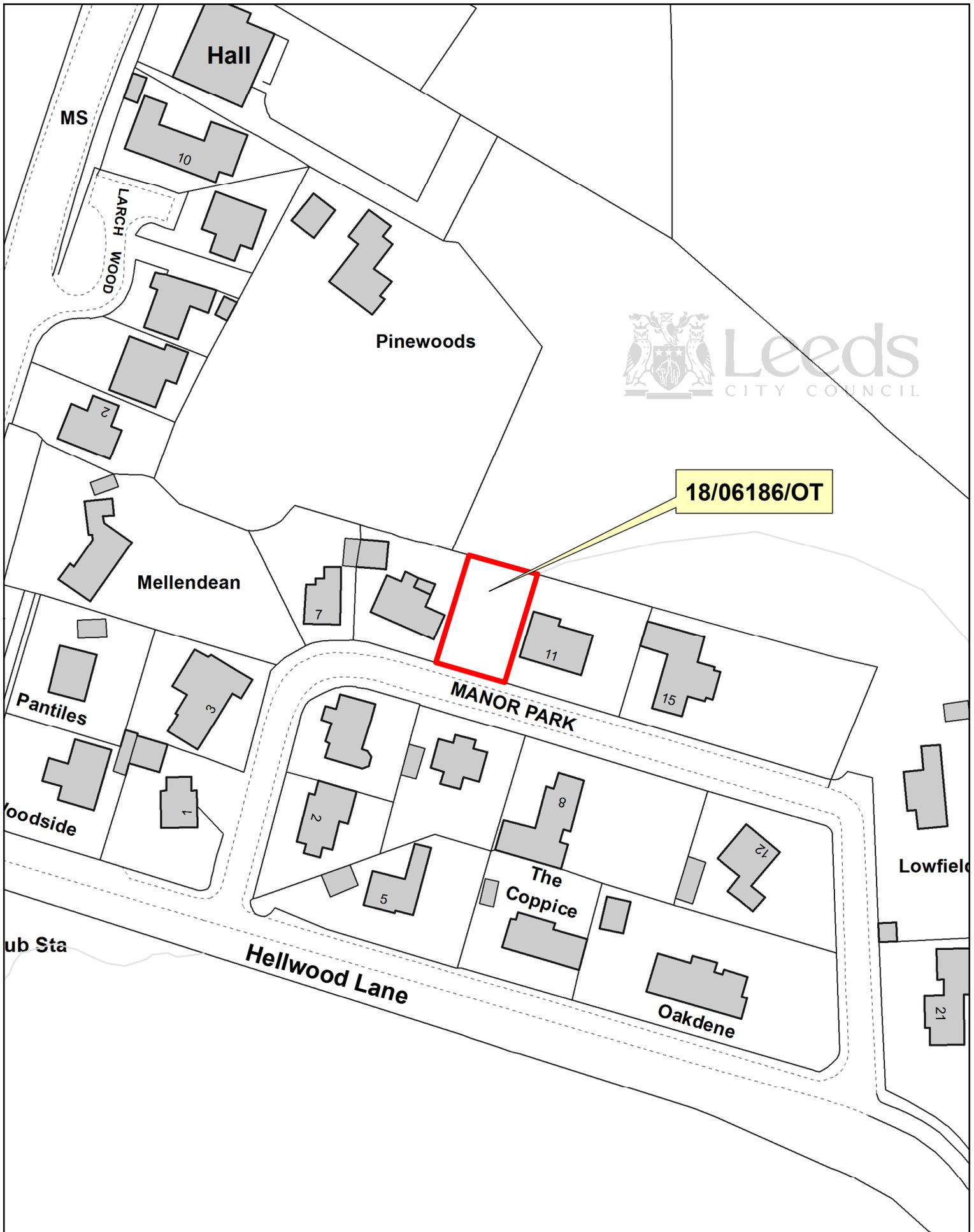
APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

V Lucas

INSPECTOR



NORTH AND EAST PLANS PANEL

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SCALE : 1/1000



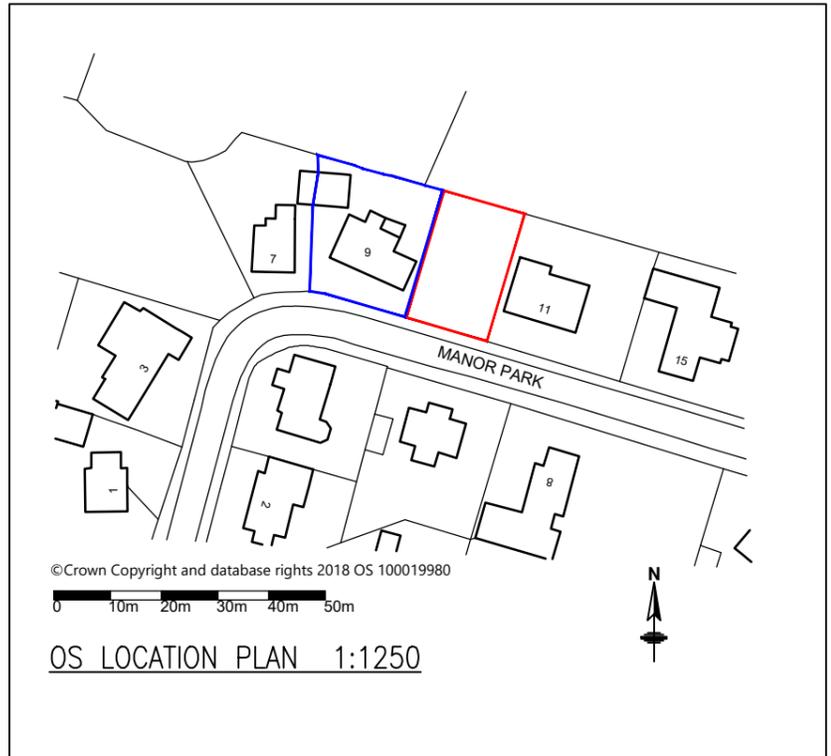
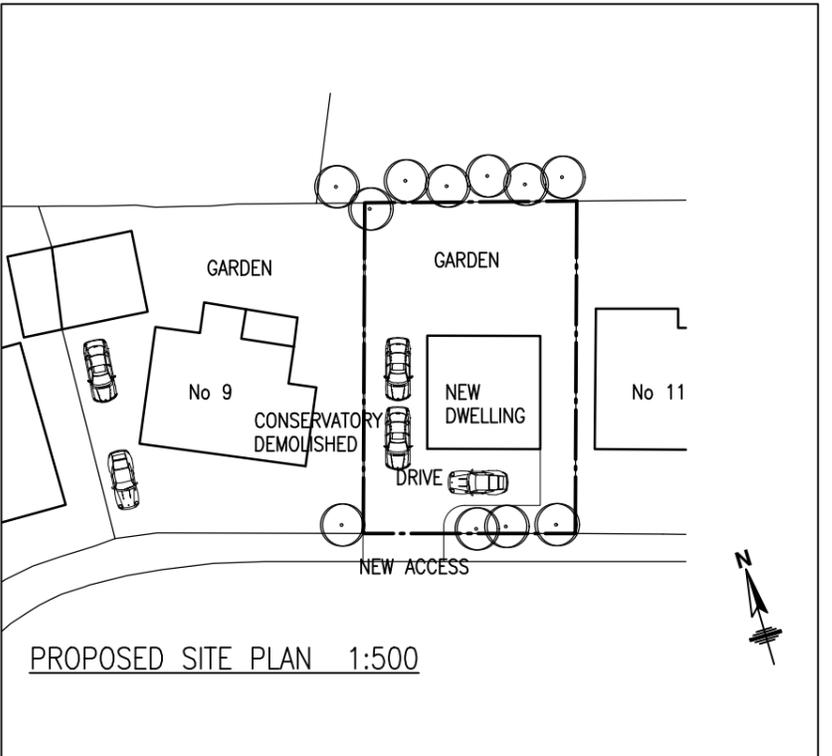
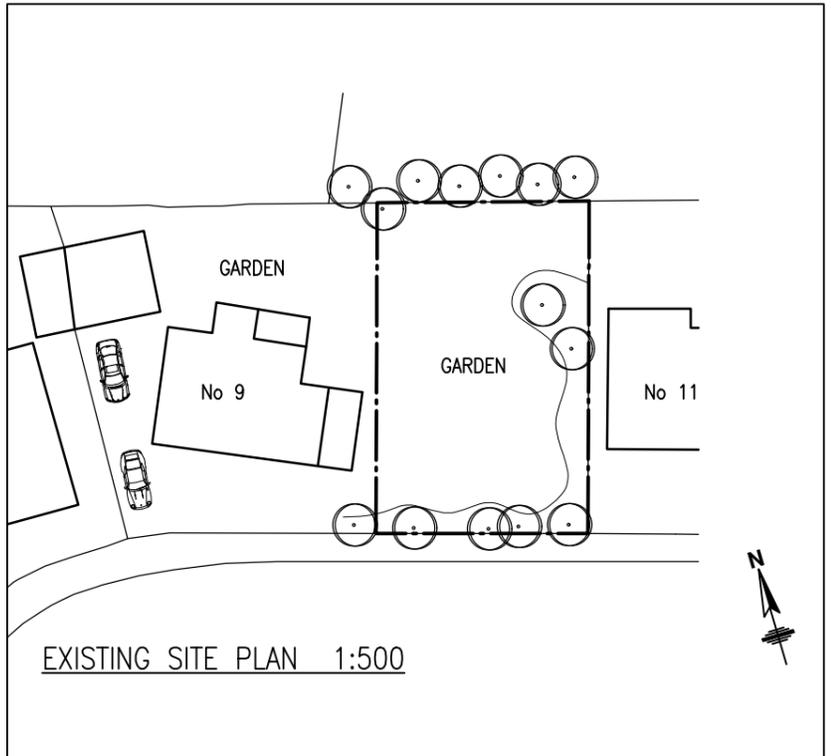
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NOTES

PLEASE DO NOT SCALE DIRECTLY FROM THIS DRAWING

THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED VIA THE ORDNANCE SURVEY PLAN AND SUBJECT TO A DETAILED SITE SURVEY.

POSITIONS AND SIZES OF TREES ARE INDICATIVE ONLY



- NEW DWELLING:
- 8m X 8m FOOTPRINT
 - 2 STOREY WITH PITCHED ROOF
 - 4 / 5 BEDROOMS
 - DRIVE WITH TURNING HEAD AND OFF ROAD PARKING FOR 3 VEHICLES.
 - NEW BOUNDARY FENCE TO No 9
 - NEW VEHICULAR ACCESS TO MANORPARK

FOR DESIGN / PLANNING

REVISIONS	
A	01-10-18 NOTES UPDATED
PROJECT	
9 MANORPARK, LEEDS	
DRAWING TITLE	
FEASIBILITY PLANS	
DRAWING NO	SCALE
425-001	VARIES@A3
REV.	DATE
A	28-09-18
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