



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 24 September 2009

Subject: APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AGAINST REFUSAL OF PLANNING PERMISSION 08/02198/FU SUBJECT TO CONDITIONS FOR A 5-BEDROOM DETACHED HOUSE WITH INTEGRAL GARAGE AT LAND TO REAR OF 17 AND 19 SCARBOROUGH LANE, TINGLEY, WF3 1BF

PERMISSION WAS REFUSED BY PANEL RESOLUTION ON 23RD OCTOBER 2008. THE OFFICER RECOMMENDATION WAS THAT PLANNING PERMISSION BE GRANTED.

THE APPEAL WAS BY MEANS OF WRITTEN REPRESENTATION.

THE APPEAL WAS DISMISSED.

APPLICANT	DATE VALID	TARGET DATE
Ogden Properties Ltd	N/A	N/A

<p>Electoral Wards Affected:</p> <p>Morley South</p> <p><input type="checkbox"/> n/a Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: Members note the report.

1. ISSUES IDENTIFIED BY THE INSPECTOR

- 1.1 The main issues considered by the Inspector:
- effect of the proposal on the character and appearance of the area
 - effect on pedestrian and highway safety along the proposed driveway and in Scarborough Lane
 - effect on the living conditions of the occupiers of the neighbouring property in respect particularly of noise/disturbance, overbearing and overshadowing

2. SUMMARY OF COMMENTS

Character and Appearance

- 2.1 The Inspector did not consider the dwelling size or design, although larger than most others in the locality, would be harmful to the areas character and appearance nor would the design be out of keeping with the wide variety of architectural styles in the area.
- 2.2 In principle he felt a dwelling could be located in this back-land plot in a form that would not cause material harm to established patterns of development.

Pedestrian and Highway Safety

- 2.3 The Inspector as per previous decisions did not feel that the presence of one dwelling would give rise to material harm to the safety of pedestrians or road users, including any occasional usage of the highway from displaced vehicle parking for no's 17 and 19 Scarborough Lane.
- 2.4 Indeed the Inspector recognised that the introduction of the access arrangements would be in accordance with guidance set out in the draft Street Design Guide for development of up to 5 dwellings as served off a private drive.

Living Conditions of Neighbours

- 2.5 The Inspector felt that the effect upon neighbours living conditions required careful consideration given the representations raised, despite this not forming a reason for refusal of the Council.

Noise/disturbance

- 2.6 The Inspector considered still that one dwelling (rather than 3 shown in a previous dismissed appeal) would still lead to an unacceptable level of noise and disturbance to the occupiers of 17 and 19 Scarborough Lane by virtue of the narrow gap present and windows on these flank walls.

Overshadowing/Overshadowing

- 2.7 The Inspector felt that the wide mass of the flank side wall of the proposed dwelling would be over-dominant to no's 22 and 24 Thornefield Crescent, particularly emphasizing that those garden depths do not currently meet the 10.5m that is set out from main habitable windows in the Council's SPG – 'Neighbourhoods for Living'.
- 2.8 The Inspector saw that the bungalows at 22 and 24 Woodkirk Grove whilst having longer gardens would also be disadvantaged in the position and mass of the proposal – affecting a significant level of overshadowing.
- 2.9 In conclusion the Inspector felt that these issues combined raised such concern that, in his view, the site could not be developed in the manner proposed without serious harm to various neighbours' living conditions.

3. DECISION

- 3.1 The Inspector dismissed the appeal on 22 May 2009.

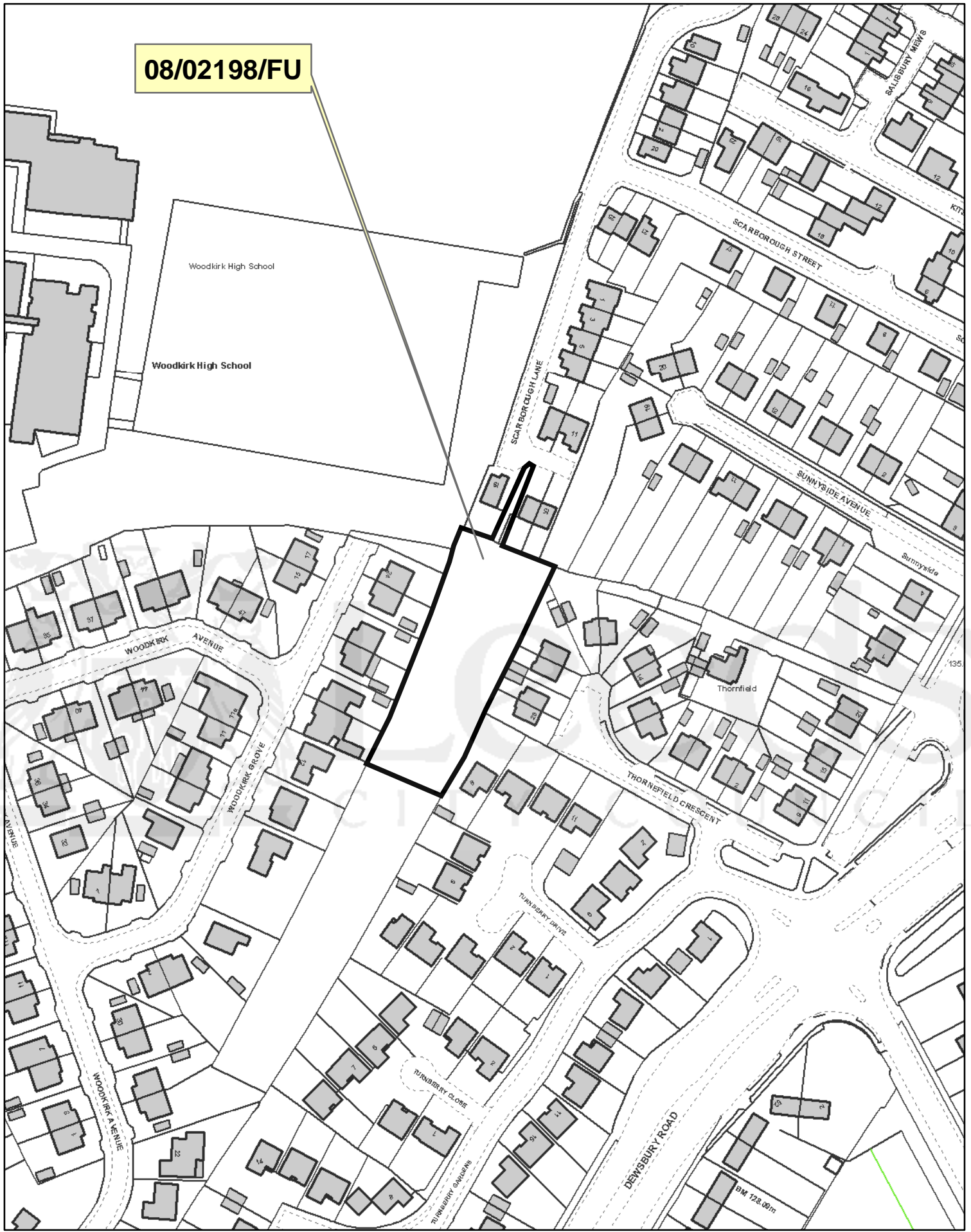
4. IMPLICATIONS

- 4.1 The decision raises a strong objection to the creation and use of an access between 17 and 19 Scarborough Lane. At present there is no obvious alternative way of gaining vehicular access to the site. Accordingly this decision would appear to limit the development potential of the appeal site.

Background Papers:

08/02198/FU.

08/02198/FU



EAST PLANS PANEL I

Scale 1/1500

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