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**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

**Date: 16<sup>th</sup> June 2011**

**Subject: Application 08/004167/FU – Appeal by the Executor of Albert Ford deceased, c/o Hart & Co Solicitors against the refusal of an application for planning permission for the erection two semi-detached residential dwellings, 2 single detached garages, accesses and associated landscaping at the garden curtilage of nos. 1-3 Church View, Thorner, LS14 3ED.**

**The appeal was allowed.**

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**Electoral Wards Affected:**

**Harewood**

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 decision.

**1.0 THE APPEAL WAS DEALT WITH BY WRITTEN REPRESENTATIONS**

1.1 This proposal related to a scheme for two semi-detached properties within the village of Thorner. The scheme was reported to the Plans Panel where Members resolved to refuse permission for reasons relating to the impact upon the character of the area, including the Thorner Conservation Area. Prior to this, an application for one dwelling on this site was the subject of an appeal decision which was dismissed. In his decision letter, the Inspector who was not convinced that the inefficient use of the site for one dwelling in this sustainable location could be justified. In terms of character, the Inspector commented that the houses were set well back into the site and would not interfere with important views of the listed church. However, the Inspector noted that the scheme placed the whole of the car parking and turning area in front of the building, and therefore any parked cars would seriously detract from the views of the church.

- 1.2 In response to the Inspector's comments, the applicant submitted a revised planning application to address these matters by increasing the density of the proposal to two dwellings, and locating the parking area away from the front of the site. However, following the publication of the revised version of PPS3 in June 2010, the Council resolved to refuse permission given its stance on garden development. The appeal was lodged on 26 January 2011 and was dealt with through the written representations procedure. The decision was issued by the Inspector on 20 May 2011.

## **2.0 ISSUES IDENTIFIED BY THE INSPECTOR**

- 2.1 The Inspector considered that the main issues relating to the appeal were the interpretation of PPS3 and the principle of development; the impact upon local character, including the Thorner Conservation Area and nearby listed building; and highway safety.

## **3.0 SUMMARY OF COMMENTS**

- 3.1 The Inspector agreed that the amendments to PPS3 give local authorities more scope to evaluate garden sites which may merit protection, although he is not aware of any national or local policy advice which *prohibits* house building within gardens or on Greenfield land in general. The Inspector also concluded that the site is located in a sustainable location, a conclusion reached by the previous Inspector. As such, the principle of residential development was considered to be suitable.
- 3.2 The Inspector noted that the Thorner Conservation Area Appraisal and Thorner Village Design Statement had both been adopted and carry significant weight. The Inspector commented that both documents do not preclude infill development and do not seek to prevent the development of garden plots, even around Church View. The VDS was also adopted well after PPS3 was re-issued. In particular, the Inspector noted that the opportunity to formally protect the appeal garden from development was not taken. From his site visit, the Inspector commented that the site had public value.
- 3.3 In terms of scale, design and layout, the Inspector considered that they would be sympathetic to the character and appearance of the Conservation Area and they would integrate successfully in the streetscene. Owing to the set back siting of the dwellings, the Inspector considered that they would neither impinge upon nor detract from views from Main Street towards the listed building. He also considered that the retained front garden would be sufficiently large as to preserve the setting of St Peter's Church. The Inspector also concluded that the parking and access arrangements were satisfactory and that parked cars would not impinge on views of the church.

## **4.0 DECISION**

- 4.1 The Inspector appreciated the strength of feeling against the proposed development. However, he concluded that the development would preserve the character and appearance of the CA and the setting of the nearby listed church. Consequently, the Inspector allowed the appeal. Conditions were imposed relating to external materials, boundary treatments, removal of permitted development rights, tree protection and drainage.

## **5.0 IMPLICATIONS**

- 5.1 To note the contents of this report and specifically to note that there are differing views from Inspectors on the development of garden sites. Officers are disappointed with the findings of the Inspector, especially in light of the number of local objections and the government's stance on localism. One of the key points the Inspector makes, is that if the Council are concerned about a particular site, then they should consider affording it protection through planning policy. However, this may prove problematic on each individual garden site.

### **Background Papers:**

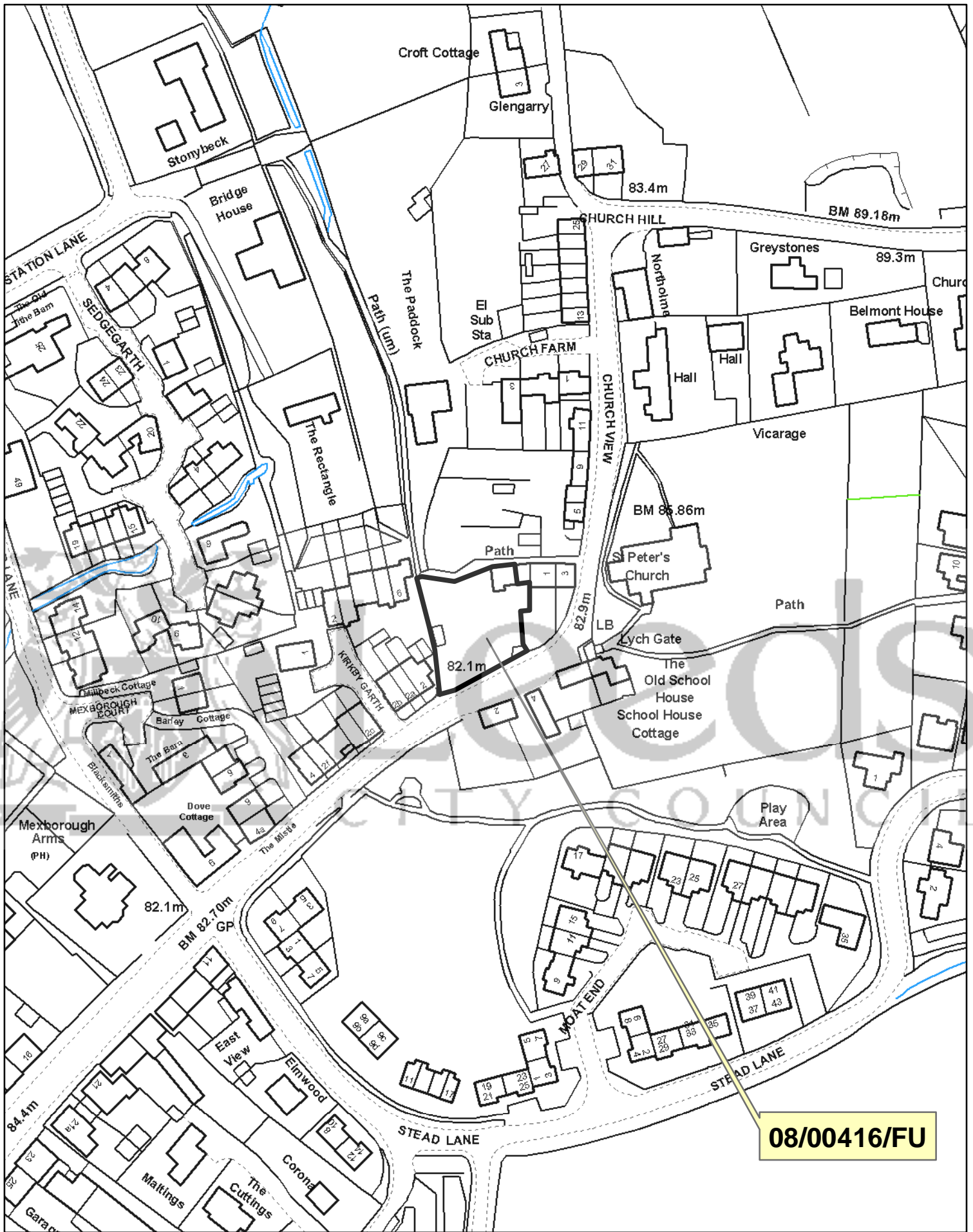
Application Files: 06/05246/FU & 08/00416/FU





**PROPOSED SITE LAYOUT**  
**LAND AT CHURCH VIEW, THORNER. Nr LEEDS**  
**SCALE 1:100 apx**  
**APRIL 2008**  
**PLAN No.I6-1-5a**





# EAST PLANS PANEL I

Scale 1/1500

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