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**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

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

**Subject: Application 10/03784/OT – Appeal by Mrs Rosemary Rogers against the non-determination of a planning application for the erection of a detached dwelling and the approval of details relating to access on land to the front of 16A Church Lane, Bardsey, Leeds, LS17 9DN.**

**The appeal was dismissed, but a partial award of costs was granted against the Council.**

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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 an outline application for one detached dwelling on a garden site within the village of Bardsey. All detailed matters, other than access, were reserved for future consideration. Members will be aware of this site given the previous planning history relating to the approval of another house on a different part of the site. This was allowed following an outline application, with the Reserved Matters granted by the Plans Panel at the meeting on 17 February 2011. The appeal is against a failure to give notice within the prescribed period of a decision.

**2.0 ISSUES IDENTIFIED BY THE INSPECTOR**

2.1 The Inspector considered that the main issues were whether or not the appeal site is a sustainable location for a new dwelling; and the effect of the proposal on the character and appearance of the area.

### **3.0 SUMMARY OF COMMENTS**

- 3.1 In terms of sustainability with reference to UDP Policy H4, the Inspector noted that Bardsey had few facilities, although it has a pub, two churches and a primary school, it has no shop pharmacy, doctor's surgery or secondary school and minimal employment opportunities. He therefore concluded that the site is not a demonstrably sustainable location for a new dwelling. The Inspector understood that whilst permission had been granted for a new house on a different part of the site, this was not brought to the attention of that Inspector at the time. He was therefore not persuaded that this decision justified allowing the current appeal. The Inspector also understood that the Council's Core Strategy Preferred Approach identifies that the infill of smaller settlements would be preferable to urban extensions or new towns. However, he gave this little weight as this document is at an early stage of development.
- 3.2 In terms of character, the Inspector noted that the site's existing use as a garden contributes towards the spacious, sylvan and semi-rural character of the village. He noted that the proposed house would be prominent in views along the access road and thus the loss of the garden would undermine the spacious, sylvan character of the area and the presence of a dwelling at the head of a cul-de-sac would give the vicinity a much more suburban feel. Consequently, the proposal would cause material harm to the character and appearance of the area. Whilst the Inspector noted that the proposed dwelling would not be prominent from the public realm, he commented that it would harm local residents' appreciation of the character and appearance of their surroundings. He also noted that the approved dwelling on a different part of the site at no. 16a would not be readily apparent from the access road, and not comparable with the current scheme. The Inspector also commented that the proposal would not adversely affect the character and appearance of the nearby Conservation Area.
- 3.3 With regard to other issues, the Inspector found that access/highways and drainage/flooding matters could be adequately dealt with by condition and noted that the scheme would be unlikely to harm the living conditions of neighbours.

### **4.0 DECISION**

- 4.1 The appeal was dismissed owing to the unsustainable location of the site and conflict with Policy H4 and the harm caused to the character and appearance of the area which would be contrary to Policy GP5.
- 4.2 A partial award of costs was made to the appellant against the Council. The Inspector considered that the Council had failed to substantiate its concerns relating to the issues of access/highway and drainage/flooding when there is no convincing evidence to indicate that these matters could not be adequately addressed by condition. He concluded therefore that the applicant's appeal costs in connection with these matters were unnecessarily incurred.

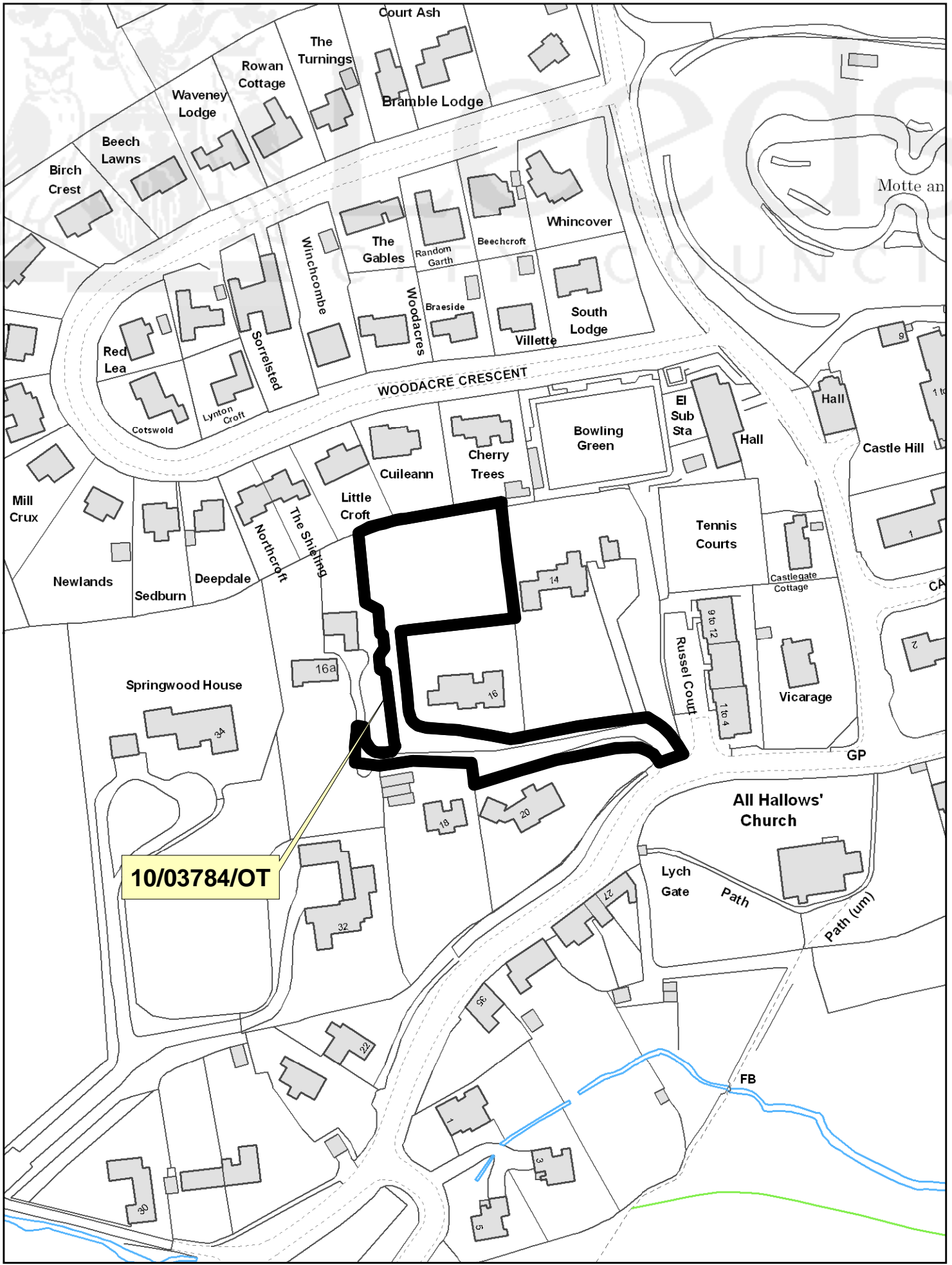
### **5.0 IMPLICATIONS**

- 5.1 Whilst Officers are satisfied over the overall outcome of the appeal, it is somewhat unusual for an Inspector to dismiss an appeal on the grounds of sustainability for one single infill house within an established village. Whilst this may indicate that any infill development within an village where no local services exist is unsustainable, and thus permission may be refused for housing, it questions previous decisions for numerous other sites which have been granted permission on infill sites within

established villages. It therefore raises the issue of consistency, insofar as other infill sites within villages have not been dismissed on sustainability grounds, including the previous appeal decision on this agenda within Thorner. It is also disappointing that the appellant has been granted a partial award of costs, especially when the Council cited lack of information relating to highways and drainage issues and noted that this could be covered by conditions.

**Background Papers:**

Application File: 10/03784/OT



**10/03784/OT**

# EAST PLANS PANEL