
Appeal Decision

Site visit made on 26 August 2016

by Matthew Birkinshaw BA(Hons) Msc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th September 2016

Appeal Ref: APP/N4720/D/16/3154643

19A Victoria Gardens, Horsforth, Leeds, LS18 4PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Harling against the decision of Leeds City Council.
 - The application Ref 16/02372/FU, dated 15 April 2016, was refused by notice dated 14 June 2016.
 - The development proposed is conversion of conservatory into permanent building already approved under approval number 15/05140/FU (approved August 2015) and further extension outwards a further 6 meters.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host property; and
 - The effect of the proposal on the living conditions of the occupants of 19 Victoria Gardens, having particular regard to outlook.

Reasons

Character and Appearance

3. The appeal relates to a traditional semi-detached property. At the rear is an existing sunroom which measures roughly 4m in length. As part of the proposal it would be enlarged by approximately a further 6m.
 4. Despite only being single-storey the appeal proposal would result in a rear extension almost 10m long. In comparison to the size of the host property I agree with the Council that such a large projection would be out of scale, and would fail to represent a subservient addition to the existing house. Due to its overall length the scheme would be a disproportionate and incongruous form of development on the rear elevation, and when viewed from neighbouring houses and gardens it would detract from the character and appearance of the host property.
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5. In reaching this view I have taken into account that no.21A has a similar rear extension which I saw during my site visit. However, the Council confirms that it does not currently benefit from planning permission. Thus, despite sharing some similarities with the appeal scheme, the weight which can be afforded to this development is therefore only limited.
6. Similarly, no details have been provided regarding the circumstances taken into account in the construction of the extension at no.20. Even so, its existence does not justify allowing the proposal before me given its unsympathetic size and scale in comparison to the host property. By failing to respect the dimensions of the original property the proposal is contrary to the Council's latest guidance on rear extensions in the *Householder Design Guide Supplementary Planning Document* (SPD).
7. I therefore conclude that by reason of its excessive length the proposal would fail to represent good design and would be detrimental to the character and appearance of the host property. As a result, it conflicts with Policy P10 of the *Leeds Core Strategy* which, amongst other things, requires alterations to existing buildings to provide good design and ensure that the size, scale and layout of development is appropriate to its location. The scheme is also contrary to Policy HDG1 of the Council's *Householder Design Guide SPD* which states that all extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and locality.

Living Conditions – 19 Victoria Gardens

8. No.19 Victoria Gardens bounds the appeal site to the north. Like the host property it also has a long, narrow plot. I therefore appreciate the Council's concerns regarding the introduction of an extension measuring almost 10m long in the position proposed.
9. However, the extension would only measure roughly 2.1m to its eaves and would slope away from the boundary. Due to the topography of the area the rear of the host property is also at a demonstrably lower level than the adjoining garden. The change in level would therefore reduce the visual impact of the scheme from the rear of no.19.
10. Furthermore, during my site visit I saw that the existing conservatory/sun room at no.19 is set away from the boundary, and that the property benefits from a substantial rear garden. When taking all of these factors into account I am not persuaded that the size or scale of the extension would cause any significant harm to the occupant's outlook. Despite exceeding the recommended projection for a single-storey extension in the *Householder Design Guide*, the SPD confirms that the guidance does not take into account factors such as land level differences.
11. I therefore conclude that by reason of its height, the change in level and the size of the adjacent rear garden the proposal would not give rise to a harmful loss of outlook at 19 Victoria Gardens sufficient to adversely affect the occupants' living conditions. In this regard there is no conflict with Policy GP5 of the *Leeds Unitary Development Plan Review* (LUDPR) which states that development proposals should seek to avoid a loss of amenity. For the same reasons there is also no conflict with Policy HDG2 of the *Householder Design Guide SPD* concerning the amenity of neighbours.

Other Matters

12. The appellant maintains that he was encouraged by pre-application discussions with Planning Officers considering a previous scheme at the house. However, the Council's approach to those discussions is not a matter for me. Instead, I am required to consider the proposed development on its specific merits, having due regard to the development plan and other relevant policy and I have determined the appeal on that basis.

Conclusion

14. The proposal would not adversely affect the living conditions of the occupants of 19 Victoria Gardens. However, by reason of its excessive length it would represent an incongruous and unsympathetic addition that would be harmful to the character and appearance of the host property.
15. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR