
Appeal Decision

Site visit made on 13 September 2016

by Anthony Lyman BSC (Hons) DipTP MRTPI

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

Decision date: 22 September 2016

Appeal Ref: APP/N4720/D/16/3154242

29 Ashleigh Gardens, Woodlesford, Leeds, LS26 8PT

- 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 Gareth Ingram against the decision of Leeds City Council.
 - The application Ref 16/00695/FU, dated 28 January 2016, was refused by notice dated 18 March 2016.
 - The development proposed is a two storey side extension and replacement porch.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and replacement porch at 29 Ashleigh Gardens, Woodlesford, Leeds, LS26 8PT in accordance with the terms of the application, Ref 16/00695/FU, dated 28 January 2016, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the side/north-east elevation of the extension hereby permitted.

Main Issues

2. The main issues to be considered are the effects of the proposed development on, i) the character and appearance of the host property and the street scene, ii) the living conditions of the occupants of No. 27 Ashleigh Gardens, with regard to potential over-bearing impact.

Reasons

Character and appearance

3. The appeal property is a three bedroom semi-detached house in a cul-de-sac of similar properties. Alongside the dwelling runs a single width driveway on
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which it is proposed to erect a two storey side extension that would occupy the full depth of the property. The ground floor would extend as far forward as the existing flat roofed porch that would be demolished, with a new porch under a mono-pitch roof incorporated into the extension. The height of the eaves to the two storey extension would align with the existing house, and the roof would have the same pitch and ridge height.

4. Policy HDG1 of Supplementary Planning Document – *Householder Design Guide* (SPD) requires all extensions to respect the scale, form, proportions, character and appearance of the main dwelling and the locality. The supporting text to the policy states that *'in most circumstances extensions should be subordinate and the windows and detailing should reflect those of the original house...In order to ensure an extension is sympathetic to the original dwelling its roof should replicate the proportions, pitch, shape and materials of the main house'*.
5. The Council argue that the proposal would not appear subservient to the main dwelling, as the first floor facade would not be set back and the roof would not be lower than the main ridge as required by the SPD. Also, there would be no gap between the new end gable and the common side boundary with No. 27. These design features are often necessary to avoid the erosion of the characteristic open spaces between semi-detached houses and to prevent a terracing effect in the street scene.
6. On my site visit I viewed a two storey extension at No.10 Ashleigh Gardens that, according to the appellant's submission, had been approved by the Council. That extension is very similar in scale and details to the appeal proposal. It has no set back at first floor level, has a roof that matches the original in height and pitch, and the gable wall abuts the common side boundary with the adjacent property. The extension appears sympathetic to the host dwelling and does not detract from the street scene.
7. In this case, Nos.25 and 27 Ashleigh Gardens are set well back from the appeal property to accommodate the turning head of the cul-de-sac. In these circumstances the proposed extension would not create a terraced effect in the street scene. Furthermore, the narrow extension would be less than half the width of the existing dwelling, and would respect its scale and design, using matching materials and fenestration details, in accordance with SPD Policy HDG1 and the similar requirements of saved Policy BD6 of the Leeds Unitary Development Plan (Review 2006). Given the position of the appeal property, I am satisfied that, despite the lack of a set back at first floor, or lower roof, the proposal would not harm the character or appearance of the dwelling or the street scene and would accord with the good design principles of Policy P10 of the Leeds Core Strategy.

Living conditions

8. The Council consider that the two storey development would not overshadow No.27 and would not cause any overlooking of the neighbour's property, with which I agree, subject to a condition preventing any windows being installed in the side elevation. Given the staggered building line between the appeal property and No.27, the extension would not be visible from the neighbour's rear windows and would have little impact on the neighbour's enjoyment of their rear garden. However, the gable wall built alongside the common boundary would be seen from the windows in the front elevation of No.27. Having viewed the appeal site from the neighbour's property however, I am

satisfied that the visual impact on the living conditions of the neighbours would not be so significant as to warrant dismissal of the appeal. The proposal would accord with Policy HDG2 of the SPD that requires all developments to protect the amenity of neighbours.

Other matter

9. The rear garden wall of the appeal property abuts the Woodlesford Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in exercise of planning functions. The Council considered that the proposed side extension would not be harmful when viewed from the conservation area, and I agree that the character and appearance of the conservation area would be preserved.

Conditions

10. In addition to the standard time commencement condition, it would be necessary for the development to be undertaken in accordance with the approved plans for the avoidance of doubt. In the interests of the character and appearance of the area the use of matching materials would also be secured by condition. As set out above, the removal of permitted development rights to prevent the installation of any window in the side elevation of the extension would be necessary in order to protect the privacy of the neighbours.

Conclusion

11. For the reasons given above, the appeal is allowed, subject to the conditions set out in the formal Decision.

Anthony Lyman

INSPECTOR