
Appeal Decision

Site visit made on 20 September 2016

by **Thomas Hatfield BA (Hons) MA MRTPI**

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

Decision date: 27th September 2016

Appeal Ref: APP/N4720/W/16/3151102

Alvis, Main Street, East Ardsley, Wakefield, WF3 2AT

- 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 David Grayshon against the decision of Leeds City Council.
 - The application Ref 16/00816/FU, dated 22 January 2016, was refused by notice dated 17 May 2016.
 - The development proposed is two detached dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on, firstly, the character and appearance of the area and, secondly, the living conditions of No 30 Main Street with regard to loss of outlook.

Reasons

Character and appearance

3. The appeal site forms a gap in the built frontage, and is located between No 30 Main Street and a timber yard. The proposed dwellings would be located on either side of an access to properties at the rear. The site is relatively narrow, and the dwellings would be positioned in close proximity to the boundaries on either side, in order to accommodate the centrally located access. The dwellings would also have narrow frontages relative to their height and depth.
 4. The appearance of the dwellings would be dominated by the height of the roofs, which would account for around 40% of their total height. The roof heights of the proposed dwellings would also be accentuated by their narrow frontages. The roofs would have a significantly steeper pitch than other nearby properties, including those closest to the site. This would give the development an appearance that would be at odds with the surrounding area. The difference in shape between the proposed dwelling and No 30 would be particularly stark as these properties would be only around a metre apart. For these reasons, the design and layout of the development would have an unduly cramped appearance that would have a harmful impact on the surrounding area.
-

5. I conclude that the development would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policy P10 of the Leeds Core Strategy (2014), Policies GP5 and BD5 of the Leeds Unitary Development Plan Review (2006), and the Neighbourhoods for Living Supplementary Planning Guidance (SPG). It would also be at odds with the National Planning Policy Framework which promotes good design.

Living conditions

6. The southernmost dwelling would be around 1 metre from the side elevation of No 30 Main Street. Its depth would extend significantly beyond the rear elevation of No. 30, in close proximity to a rear window at first floor level.
7. The Council assumed that this rear window served a bedroom, which would make it a habitable room window. This assumption has not been contradicted by the appellant who is the owner of No. 30. Due to its depth and position, the proposed dwelling would dominate the outlook from this window. It would also significantly breach the 45 degree code set out in the Householder Design Guide SPG. It would be harmfully overbearing, particularly given its close proximity to No. 30.
8. I conclude that the development would unacceptably harm the living conditions of No 30 Main Street with regard to a loss of outlook. It would therefore be contrary Policy GP5 of the Leeds Unitary Development Plan Review (2006), and the Householder Design Guide SPG. This policy and guidance seek to ensure, amongst other things, that new development protects the amenity of adjacent occupiers.

Other Matter

9. The appellant states that they received contradictory advice during the application process, and that an amendment suggested by the Council has led to one of the reasons for refusal. Whilst I sympathise with the appellant's position, I must determine the appeal on its merits, based on the submitted plans.

Conclusion

10. For the reasons set out above, I conclude that the development would unacceptably harm the character and appearance of the area, and the living conditions of No. 30 Main Street with regard to loss of outlook. Whilst there would be a positive benefit in terms of the provision of new housing, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR