
Appeal Decision

Site visit made on 13 September 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 5 October 2016

Appeal Ref: APP/N4720/W/16/3152243

2 Pymont Drive, Woodlesford, Leeds LS26 8WA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David Howard against Leeds City Council.
 - The application Ref 16/1202/FU/S, is dated 24 February 2016.
 - The development proposed is extension of house at ground floor and erection of garage in front garden.
-

Decision

1. The appeal is allowed and planning permission is granted for the extension of the house at ground floor and erection of a garage in the front garden at 2 Pymont Drive, Woodlesford, Leeds LS26 8WA in accordance with the terms of the application, Ref 16/1202/FU/S, dated 24 February 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 following approved plans: Site Plan 1:1250, Block Plan 1:500, 28808:01, 28808:02 and LS26:125.
 - 3) The materials to be used in the construction of the external surfaces of the side extension hereby permitted shall match those used in the existing building.
 - 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are
-

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises a modern detached two storey dwelling located within a residential housing estate of properties of a similar age and appearance. The dwelling is set back from the road and does not directly front it. There is a relatively large grassed area to the side of the house which contains trees and shrubs and the front boundary of the site is marked by hedging.
4. The proposal includes a modest single storey extension to the side of the existing integrated garage. The existing garage door is to be removed and replaced by two long vertical windows within the front elevation of the former garage and the extension. The extension would be constructed from matching materials and having regard to its design, modest scale and set back position, it would integrate with the existing dwelling and would not be harmful to the character and appearance of the area. Similarly though the proposed single garage would be set forward of the dwelling and would be located close to the front boundary, its modest scale and simple design together with existing and proposed landscaping means that its visual impact would be limited and would not be harmful to the character and appearance of the area. Though the material proposed for the garage is different to the materials used on the dwelling, vertical timber boarding is in evidence in fencing within the immediate locality.
5. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect of the character and appearance of the area. It therefore complies with policies P10 and P12 of the Leeds City Council Core Strategy (CS), policies GP5, BD6 and LD1 of the Leeds Unitary Development Plan (UDP) and relevant paragraphs of the National Planning Policy Framework. These policies seek, amongst other things, to ensure that new development provides good design that is appropriate to its location, scale and function. A number of other policies were referred to by the Council in its statement but they do not appear to be directly relevant to the proposal.

Other Matters

6. I note that it appears that some of the land located to the side of the dwelling and within the site edged red did not form the original garden to the dwelling and was a landscape area forming part of the wider residential estate. It appears that the appellant subsequently purchased the former landscape area and incorporated it into the side garden of the dwelling. I am advised by the Council that planning permission has not been granted for the use of this land as garden and the Council considers that part of the proposed extension and garage would be located within the extended garden area.
7. However even if this is the case, Section 75 (3) of the Town and Country Planning Act 1990 sets out the effect of granting planning permission and states that permission shall be construed as including permission to use the

buildings for the purpose for which they are designed. Therefore in this case that means that the proposed extension and garage can be used for domestic purposes irrespective of the status of the land on which they are sited. The permission does not however grant permission for any change of use of land within the site edged red beyond that associated with the proposed buildings and associated development.

Conditions

8. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed conditions requiring the extension to be constructed in matching materials and requiring a landscape scheme to screen the garage. These are in order to protect the character and appearance of the area. The requirements of the landscaping scheme are such that the information required needs to be submitted before development commences.

Conclusion

9. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR