
Appeal Decision

Site visit made on 27 September 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 10 October 2016

Appeal Ref: APP/N4720/D/16/3154700
2 Linton Drive, Alwoodley, Leeds LS17 8QN

- 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 Saju Savaji against the decision of Leeds City Council.
 - The application Ref 16/01617/FU, dated 10 March 2016, was refused by notice dated 5 May 2016.
 - The development proposed is front roof extension.
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Decision

1. The appeal is dismissed insofar as it relates to a front roof extension. The appeal is allowed insofar as it relates to a side conservatory at 2 Linton Drive, Alwoodley, Leeds LS17 8QN in accordance with the terms of the application, Ref, 16/01617/FU, dated 10 March 2016 and 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, in so far as relevant to that part of the development hereby permitted: Site Plan, Scale 1:1250; Drawing No. 1643-1, Proposed Front Roof Alteration & Dormer Extension.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the conservatory.

Procedural Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a front roof extension and a side conservatory. The Council dealt with the application on this basis and so shall I.
 3. For the reasons that follow, I find the proposed side conservatory to be acceptable and it is clearly severable physically from the proposed front roof extension. Therefore, I intend to issue a split decision in this case and grant planning permission for a side conservatory.
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Main Issue

4. The main issue in this case is the effect on the character and appearance of the dwelling and the surrounding area.

Reasons

5. The appeal property forms one half of a pair of semi-detached chalet style dormer bungalows. It is situated on the corner of Linton Drive and Linton Rise, in a residential area where there is some variety in the style and designs of the properties. The appeal property has been previously extended towards Linton Drive, however as semi-detached pair, the properties still display a clear sense of balance and symmetry.
6. Whilst the existing front extension is unusual with its double pitched roof, it is clearly subordinate to the original property and consequently the original form and appearance of the semi-detached pair remains discernible and has not been compromised. However the proposed front extension would extend across the full width and height of original dwelling and also extend the width of the existing dormer windows on either side of the property. Consequently it would not be possible to clearly identify the original dwelling and would unbalance the appearance of the pair of houses and remove the sense of symmetry.
7. The existing extension is located beyond the front building line of neighbouring properties on Linton Drive and consequently is visually prominent. The appeal proposal would add further to the mass and height of property on this corner and would consequently be unduly dominant, particularly on the approach to Linton Rise from Linton Drive. I therefore consider, for the reasons given above, that the proposed development would adversely affect the character and appearance of the dwelling and the surrounding area.
8. I appreciate that other properties have been extended in the area, but from the photographic evidence provided by the appellant, it would appear that these extensions are generally subordinate to their host property. However, I am not aware of the particular circumstances of each of these cases and in any event I must consider the appeal scheme on its own merits. The existence of other extensions in the locality does not justify the harm I have identified and nor do the benefits of providing additional living space for the appellant.
9. Turning to the remainder of the development, the proposed side conservatory. The Council's Decision and officer report indicate that they raise no objections to this element of the proposal. However, the adjoining neighbour has expressed concern that the conservatory would be an intrusion to their privacy and would reduce the amount of light entering their French doors.
10. In view of the limited extent of the proposed conservatory, its single storey nature and glass roof, I do not consider that it would result in any substantial loss of light to the neighbouring French doors. Furthermore, the flank wall of the proposed conservatory which would adjoin the common boundary would not contain any window openings and the occupants of No 4 Linton Rise would not therefore be overlooked. It has however been suggested by the Council that a condition should be imposed on any consent granted to prevent the future construction of any window openings in the conservatory. I consider

that such a condition would be reasonable and necessary to safeguard the living conditions of the occupiers of the neighbouring property by preventing overlooking. Therefore subject to the imposition of a condition to prevent any additional windows being constructed in the conservatory I am satisfied that the proposed conservatory would not have a harmful effect on the living conditions of the occupiers of 4 Linton Rise.

11. However, this does not outweigh my findings in respect of the proposed front roof extension, and I therefore conclude that the proposed development would harm the character and appearance of the dwelling and the surrounding area. I therefore find conflict with Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006); Policy P10 of the Leeds Local Development Framework Core Strategy, 2014 and HHDG1 of the Householder Design Guide, Supplementary Planning Document, 2012 which seek to ensure, amongst other things, that new development, including extensions, respect the scale, form and detailing of the original building and character and quality of the local area.

Other Matters

12. I have had regard to third party concerns regarding the proposed foundations and drainage, and how these may affect their property. However, I consider that in these circumstances these would be private matters to be resolved between the relevant parties and they are not a matter for my consideration.

Conditions

13. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result I have imposed a condition specifying approved plans as this provides certainty and a condition is reasonable and necessary to remove permitted development rights for the construction of additional window openings in the conservatory to protect the living conditions of the adjoining neighbours.

Conclusion

14. For the reasons given above and taking into account all other matter raised, I conclude that the appeal should be dismissed insofar as it relates to a front roof extension and allowed insofar as it relates to a side conservatory.

Elizabeth Pleasant

INSPECTOR