
Appeal Decision

Site visit made on 20 September 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/N4720/D/16/3156169

1a Fawcett Lane, Wortley, Leeds LS12 4PG

- 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 Arshad Mahmood against the decision of Leeds City Council.
 - The application Ref 16/01892, dated 7 March 2016, was refused by notice dated 31 May 2016.
 - The development proposed is front porch and rear double storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and
 - living conditions of existing and future occupiers, with regard to private outdoor space.

Reasons

Character and appearance

3. The appeal property is situated on the southern side of Fawcett Lane and is in a prominent position in the streetscene. It is a double fronted, detached dwelling with a hipped roof which has previously been extended on both sides and to the rear at single-storey level. The south side of Fawcett Lane is characterised by semi-detached hipped roof properties with chimneys on sizeable plots with good sized rear gardens. The area is mostly residential. However, a parade of retail and commercial units is situated to the south east of the appeal property. The properties which contain the parade feature similar characteristics to the other properties on the south side of Fawcett Lane in terms of their roofs and continue a cohesive appearance in the streetscene around a prominent and highly visible corner from Fawcett Lane into Lower Wortley Road.
 4. Although the appeal property is detached, its design reflects similar elements to those properties immediately adjacent to it, south of Fawcett Lane, including the rectangular bay windows, a hipped roof and chimneys. The wider area, including the north side of Fawcett Lane opposite the appeal site, has a mixed character and style with more recently built terrace and semi-detached properties having gable-ended roofs and no chimneys.
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5. The proposal would alter the roofline of the appeal property by increasing its height, removing the chimneys and changing from a hipped to gable ended roof. Whilst other gable-ended properties exist on the opposite side of Fawcett Lane and elsewhere, the appeal property's position amongst the properties on the south side of Fawcett Lane would result in the proposal interrupting a regular pattern of development. It would introduce an incongruous element to the character and appearance of the group of buildings which span around the highly visible and prominent corner of Fawcett Lane and Lower Wortley Road and it would have a detrimental effect when viewed collectively from the street.
6. Some properties have undertaken relatively modest roof alterations such as side dormer extensions and inserting rooflights. I also note that the appeal property is set back from the highway and is screened from some neighbouring properties by mature trees and bushes. Despite this, the property is in a prominent and highly visible location, close to a junction with an open and spacious character and is positioned within a group of properties with a similar character and appearance. As a result, given the scale and form of the roof alterations, the proposal would have a materially harmful effect on the character and appearance of the property, the group of and the streetscene.
7. Consequently, I conclude that the proposed development would be contrary to Policy P10 of the Leeds Core Strategy, saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review 2006 (UDP) and the guidance in the Neighbourhoods for Living Supplementary Planning Guidance (SPG), the Leeds Householder Design Guide Supplementary Planning Document (SPD) and the National Planning Policy Framework (the Framework). Amongst other matters, these policies and guidance seek to ensure that development does not have an adverse effect on the character and appearance of the surrounding area.

Living conditions

8. The appeal site is an irregular shape. As a result, the rear garden area is constrained in terms of its narrowness and area. Previously implemented extensions have led to the rear garden space which was available to the original dwelling being significantly reduced in size. The proposed single storey rear extension would result in a further, sizeable reduction in the amount of private outdoor space to the rear of the property. Furthermore, it would have a greater impact on the amount of accessible and useable space available due to the creation of smaller irregularly shaped areas between the proposed rear extension and the site boundary.
9. Having regard to the above, the proposal would lead to a significant under provision of useable garden area for a dwelling of such size which would reasonably accommodate a large family with a number of children. It would result in more than half of the garden area of the original dwelling being developed and leave around 25 square metres, or approximately 25% of the original garden area, as useable open space. I find that this limited amount of outdoor space would have a materially detrimental effect on the living conditions of the existing occupiers of the appeal property.
10. I appreciate that the appellant is seeking to increase the level and standard of accommodation within their existing home to meet changing family and business needs. Furthermore, I acknowledge that any future occupiers would be fully aware of the limited private outdoor space available to the property prior to any purchase of the dwelling. However, I find that these arguments,

whether considered cumulative or individually, would not outweigh the harm I have identified.

11. Consequently, I conclude that the proposed development would have a materially harmful effect on the living conditions of existing and future occupiers with regard to private outdoor space. Therefore, it would be contrary to saved Policies GP5 and BD6 of the UDP, the guidance in the SPG, the SPD and the Framework. Amongst other matters, these policies and guidance seek to ensure that development provides or maintains an appropriate level of private outdoor space for existing and future occupiers.

Conclusion

12. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR