
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: 08 November 2016

Appeal Ref: APP/N4720/D/16/3155107

29 Beechwood, Woodlesford, Leeds, West Yorkshire LS26 8PQ

- 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 Jon Prashar against the decision of Leeds City Council.
 - The application Ref 16/01525/FU, dated 5 March 2016, was refused by notice dated 3 May 2016.
 - The development proposed is front and rear extensions to form ground floor wc, hallway and bedrooms.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 11 October 2016.

Decision

1. The appeal is dismissed insofar as it relates to the proposed rear extension to enlarge an existing rear bedroom. The appeal is allowed insofar as it relates to the proposed front extension to form a ground floor wc, hallway and enlarge an existing front bedroom at 29 Beechwood, Woodlesford, Leeds, West Yorkshire LS26 8PQ in accordance with the terms of the application, Ref: 16/01525/FU, dated 5 March 2016, and the plans submitted with it, insofar as they are relevant to the development hereby permitted 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, insofar as they relate to the approved development: Drawing No: 001 – 'Existing Layouts' dated January 2016; Drawing No: 002 – 'Proposed Layouts' dated February 2016; Drawing No: 003 – 'Existing Side Elevation' dated January 2016; Drawing No: 005 – 'Proposed Side Elevation' dated January 2016 and Drawing No: 006 – 'Existing & Proposed Front Elevation' dated January 2016.
 - 3) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and samples.
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Procedural Matter

2. For the reasons that follow, I find the proposed front extension to be acceptable and it is clearly severable physically from the proposed rear extension. Therefore, I intend to issue a split decision in this case and grant planning permission for the front extension to the property only.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and
 - living conditions of the neighbouring occupiers of 31 Beechwood, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is a two-storey semi-detached house built in brick and timber cladding with a concrete tiled roof. It is situated in a mid-street location within a predominantly residential area and is amongst similar properties in size and scale. The building line along the north east side of Beechwood varies slightly. Although the streetscene is relatively uniform, each property has a different appearance with regard to the style of windows and doors. Furthermore, there are several examples of front extensions and porches to properties in the surrounding area which contribute to its mixed character and appearance.
5. The proposed two-storey front extension would project from the existing frontage of the host property and would be visible in the local streetscene. However, its lower roof ridge height and its limited width across the front elevation would make the extension appear subservient to the original property. Furthermore, due to the topography of the area, the appeal property is approximately 1 metre below the level of the public highway on Beechwood. The property is also set back marginally further from the street than other nearby properties to the east due to the slightly varied building line. The cumulative effect of the above would limit the impact of the front extension on the streetscene.
6. The Council argues that the proposed front extension would alter the appearance of the host property due to the extent of the brickwork proposed which would be at odds with the timber cladding and brickwork on the existing property. Whilst I acknowledge that the front extension would appear awkward in terms of the proposed materials, I consider that this would most suitably be dealt with by an appropriately worded planning condition. Such a condition relating to the materials to be used on the external surfaces of the front extension would effectively address these matters.
7. The proposed front extension would provide a ground floor disabled toilet which would assist the appellant, who has mobility issues, in terms of improving their accessibility and quality of life. Accordingly, I have given this moderate weight in my decision making.
8. With regard to the proposed rear extension, due to its reduced ridge height, its footprint on an existing single storey extension and limited views from the surrounding area, it would not be visible from the streetscene of public

highway. Furthermore, I consider that its design, in terms of the surrounding character and appearance, would be acceptable.

9. Having regard to the above, the proposed development would not be prominent, discordant or have a materially detrimental effect on the mixed character or appearance of the area. Therefore, I conclude that it would comply with Policy P10 of the Leeds Core Strategy (CS), saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review) 2006 (UDP) and advice contained within Policy HDG1 of the Leeds Householder Design Guide (April 2012) (HDG). Amongst other matters, these policies and guidance seek to ensure that alterations and extensions respect the character and appearance of their building and surroundings and that development is accessible for all users.

Living conditions: outlook

10. The rear two-storey extension would be directly above the existing single storey extension to the property and would be positioned on the boundary with the neighbouring property at 31 Beechwood (No 31). The existing extension has a brick wall facing the garden of No 31. This restricts the outlook currently experienced by the occupiers of No 31 from the ground floor rear window which serves a dining room.
11. From my observations, due to its position, blank facing elevation, height and depth, the proposed rear extension would only exacerbate the restrictive effect on outlook from the rear ground floor window of No 31. It would create an increased sense of enclosure and would have a dominant and overbearing effect on the neighbouring property and its occupiers. Furthermore, it would not comply with the 45 degree code as set out in the HDG.
12. Consequently, I conclude that despite the large rear windows of No 31, the proposed rear extension would have a material harmful effect on the neighbouring occupiers of No 31 in terms of outlook. Therefore, it would be contrary to saved Policy GP5 of the UDP, Policy P10 of the CS and Policy HDG2 of the HDG. Amongst other matters, these policies and guidance seek to ensure that development protects the living conditions of neighbouring occupiers.

Conditions

13. The Council has suggested a number of conditions which I have considered against the relevant Planning Practice Guidance (PPG). In addition to the standard implementation condition (1), conditions specifying the approved plans (2) and the materials to be used on the external surfaces of the development granted (3) are necessary and reasonable in order to provide certainty and for reasons of character and appearance, respectively.
14. The National Planning Policy Framework advises that conditions should restrict national permitted development rights only where there is a clear justification to do so. Having considered the Council's request for a condition removing such rights to insert windows which otherwise could lead to overlooking, I find that given the nature of this decision, such a condition is not necessary or reasonable in relation to the allowed front extension. Furthermore, a clear justification has not been provided in this respect.

15. It is necessary that the requirements of Condition 3 are agreed prior to development commencing to ensure an acceptable development in respect of character and appearance.

Conclusion

16. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the proposed front extension to the property and dismissed insofar as it relates to the proposed rear extension to the property.

Andrew McCormack

INSPECTOR