
Appeal Decision

Site visit made on 3 November 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/N4720/D/16/3156426
2 Orion Walk, Belle Isle, Leeds LS10 3HX

- 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 Roman Doryn against the decision of Leeds City Council.
 - The application Ref 16/03724/FU, dated 13 June 2016, was refused by notice dated 22 July 2016.
 - The development proposed was originally described as 'construction of single storey outbuilding and extension to rear. Timber deck and steps to front and new driveway gates'.
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Decision

1. The appeal is dismissed insofar as it relates to the single storey rear extension and side new gates. The appeal is allowed insofar as it relates to the single storey side extension, cladding to front elevation and decking to the front and planning permission is granted for a single storey side extension, cladding to front elevation and decking to the front at 2 Orion Walk, Belle Isle, Leeds LS10 3HX in accordance with the terms of the application, Ref 16/03724/FU, dated 13 June 2016, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Procedural matters

2. I saw at my site visit that the development has already taken place and note that the plans submitted were drawn to show what has been built. I have based my decision on what I saw on site together with the submitted plans and details. I have used the description of development set out in the appeal form and Councils decision notice as it more accurately describes the works undertaken than that set out in the original application. The Council dealt with the proposal on that basis and so shall I.
3. For the reasons that follow I find the single storey side extension, cladding to front elevation and decking to the front to be acceptable and clearly severable both physically and functionally from the single storey rear extension and side new gates. Therefore, I intend to issue a split decision in this case and grant planning permission for the single storey side extension, cladding to front elevation and decking to the front.

Main Issues

4. The main issues for the appeal are:
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- The effect of the development on the living conditions of the occupiers of 4 Orion Walk, with particular reference to any dominating and/or overbearing effects and sense of enclosure; and
- The effect of the development upon the character and appearance of the area.

Reasons

Living conditions

5. The appeal property, a semi-detached bungalow, includes a single storey flat roof extension to the rear. This extension has been built close to and covers the length of the common boundary with the attached 4 Orion Walk, and in terms of height, comes up to the eaves of No 4.
6. No 4 has a modest rear garden, which is bounded by a neighbouring garage at the rear, a close boarded timber fence on the boundary with No 2 with the extension immediately beyond and a garage to the other side. I saw at my site visit that the rear garden of no 4 rises up towards the back and that the extension is significantly higher than the boundary fence near the rear of No 4. I understand that the rear extension occupies in part the site of a former garage and that the appellant sought to avoid dominating effects of the extension through limiting the height of the roof. However I find that the extension, due to its height and length along the whole of common boundary nevertheless gives rises to an unacceptable sense of enclosure for the occupants of No 4 and is overly dominant and overbearing.
7. To conclude on this matter, I have found the rear extension to have unacceptable effects on the living conditions of the occupiers of 4 Orion Walk. The proposal conflicts with Leeds City Council Local Development Framework Core Strategy Development Plan Document 2014 (Core Strategy) Policy P10 which is concerned with design including that the size, scale, design and layout of the development is appropriate to its context and respects the character and quality of surrounding buildings. The proposal also conflicts with Leeds Unitary Development Plan (UDP) 2006 saved Policy GP5 which includes that development proposals should resolve detailed planning considerations and the guidance set out in HDG2 of the Leeds Local Development Framework Householder Design Guide (HDG) which is concerned with the protection of amenity. The proposal also conflicts with the National Planning Policy Framework which in paragraph 17 includes that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

8. The appeal property is situated in a corner position where Orion Walk turns towards Middleton Road, and has a relatively long boundary with the street. Due to its corner situation, No 2 occupies a prominent position within the street scene. I saw at my site visit that the dwellings at Orion Walk typically have low walls to the front boundaries and open front gardens. Whilst there is some uniformity in design and layout, I observed the variety in the scale and design of dwellings and noted that whilst buildings are predominantly finished in brick, other materials such as rendered panels, are evident.

9. The appeal scheme includes a number of elements. Firstly, a timber deck has been erected on the front corner of the dwelling. Due to the site levels, the front of the deck is raised appreciably above ground level. Although the deck is clearly visible at the front of the dwelling, I do not consider it to be either incongruous or overly prominent in the street scene, given that it is enclosed on two sides by the existing walls of the bungalow and it does not project out appreciably beyond either the side or front of the building. Additionally, the railings erected do not appear prominent. I have considered the comments regarding guidance on decking in the HDG but do not find that the timber deck to be highly prominent in the street scene.
10. The appeal development also includes a single storey flat roofed side extension which has been attached to the living room towards the rear of the property. This is a modest addition to the dwelling which does not extend out beyond the side and rear walls. Although the side extension has an exterior finish in stone, I do not consider it to be obtrusive or incongruous given its scale and position and as stone finishes are evident in the street in the form of boundary walls.
11. An area of cladding of a contemporary appearance has been added to the front of the dwelling and is included in the description of development set out on the appeal form. The appellant has questioned whether the cladding requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under 78 of the Town and Country Planning Act 1990. However, whilst the cladding has an effect upon the symmetry of the pair of dwellings, given that symmetry has been affected already by the side extension to No 2 and the box dormer at No 4, I do not consider that the cladding gives rise to significant harm to the character and appearance of the area and given its relatively small area, do not find it unacceptable.
12. The appeal proposal includes the provision of 1.8 metre high gates on the site frontage of a contemporary design. I saw at my site visit that the gates are considerably higher than the existing front boundary treatments in the area and although they are positioned at the side of the plot frontage, due to their height they appear particularly prominent and overly dominant within the street scene and out of character with front boundary treatments in the wider area. I note that the appeal property, due to its corner position and long side boundary lacks privacy and that the gates will aid security. I have also considered that the gates could be repainted or clad with timber, but this would not address the issue of their excessive height.
13. The single storey flat roofed rear extension, due to its length of about 7.75 metres, is seen a prominent addition to the host dwelling. Whilst it is of a flat roof design and does not exceed the existing eaves height, it nevertheless fails to be subordinate to the host property due to its excessive size.
14. For these reasons I consider that the timber deck, cladding and side extension are acceptable in terms of their effect on the character and appearance of the area, but that the gates and rear extension give rise to harm to the character and appearance of the area. The proposed gates and rear projecting extension conflict with Core Strategy Policy GP5 and with saved UDP Policy BD6 which states that all alterations and extensions should respect the scale, form, detailing and materials of the original building and the guidance in the HDG. I find that the timber deck, cladding and side extension do not conflict with Core

Strategy Policy GP5, saved UDP Policy BD6 or the guidance in the HDG1 of the HDG.

Other matters

15. I note the appellants comments regarding how the Council dealt with the proposal, but those are matters for local government accountability. I have also taken into consideration comments regarding the design of the appeal scheme and the appellant's limited knowledge of permitted development rights, that there have been no objections from neighbours and that positive comments have been received. However these matters have not led me to a different conclusion.

Conclusion

16. For the reasons given above and having considered all matters raised, I consider that the appeal should be allowed in so far as it relates to the timber deck, cladding and side extension and dismissed in so far as it relates to the gates and rear extension.

Philip Lewis

INSPECTOR