
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/16/3156777

22 Well Garth Bank, Bramley, Leeds LS13 1EW

- 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 Daniel Broxholme against the decision of Leeds City Council.
 - The application Ref 16/03780/FU, dated 15 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed was originally described as 'demolition of existing garage and replace with dorma bungalow extension measuring 3.39m x 7.67m, with small glazed walkway at rear'.
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Decision

1. The appeal is allowed and planning permission is granted for alterations including two storey side extension at 22 Well Garth Bank, Bramley, Leeds LS13 1EW in accordance with the terms of the application, Ref 16/03780/FU, dated 15 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan and proposed double storey extension of 22 Well Garth Bank LS13 1EW rev B.
 - 3) No development shall commence until 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.

Procedural matters

2. Notwithstanding the description of development in the heading above, I have used the description of development as set out in the Councils decision notice in my decision, as it succinctly describes the development. I have also taken the site address from the Councils decision notice.

Main Issues

3. The main issues for the appeal are:
 - The effect of the appeal scheme upon the character and appearance of the area: and
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- The effect of the proposed development on the living conditions of the occupiers of 24 Well Garth Bank, with particular reference to dominance.

Reasons

Character and appearance

4. The appeal proposal relates to 22 Well Garth Bank, a semi-detached dormer bungalow with a linear form, situated within a cul de sac. I noted at my site visit that No 22 is set down below the level of the street. The appeal scheme consists of a side extension with a box dormer to the front and would have a two storey appearance at the rear. The proposed extension would continue the existing eaves and ridge lines of the host dwelling and would be built flush with the front. It would be set in from the boundary with the neighbouring 24 Well Garth Bank by about 1 metre and the proposal involves the demolition of a single storey garage which is situated close to the boundary with No 24.
5. Whilst the proposed extension does not include any set back from the front of the dwelling or ridge line, it would nevertheless reflect the design of the host dwelling and continue its linear form. Although the proposed box dormer would be of a smaller scale than that existing, it would however appear subservient and would not give rise to significant harm to the street scene.
6. The appeal proposal would increase significantly the width of the host dwelling so that it would occupy most of the site frontage. However, I do not consider that the proposal constitutes an over development of the host property or that the appeal proposal would be a highly prominent, overly large or an incongruous addition within the street scene. This is due to width of the proposed extension in relation to the existing dwelling, the gap which would be retained between the appeal proposal and the neighbouring No 24 and the difference in levels between the street and the appeal property. Consequently, I do not consider that the appeal proposal would give rise to significant harm to the character and appearance of the area.
7. The proposal therefore does not conflict 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. The proposal also accords with Leeds Unitary Development Plan (UDP) 2006 saved Policy GP5 which includes that development proposals should resolve detailed planning considerations. The proposal does not conflict with guidance set out in HDG2 of the Leeds Local Development Framework Householder Design Guide (HDG) which is concerned with the protection of amenity.

Living conditions

8. The neighbouring No 24 Well Garth Bank is a two storey detached dwelling, situated within an irregularly shaped plot, which although having a wide frontage, narrows to the rear. No 24 is situated forward of the appeal dwelling and is on a different alignment, being slightly angled towards the rear garden of the appeal property.
9. The proposed extension side extension would introduce a two storey stepped flank wall towards No 24, at about 1 metre from the common boundary. The submitted plans show that the corner of the proposed extension would just fall within a 45 degree angle taken from No 24. This has not been disputed by the

Council. The HDG includes 'the 45 Degree Code' which it states usually applies to two storey extensions and that extensions which do not meet it may well have too great an impact on neighbours. In this case, I do not consider that the proposed extension would give rise to significant harm in this regard or an unacceptable sense of enclosure, given the width of the gap between the dwellings, the length of flank wall extending beyond the back of No 24 and that the failure to meet the 45 Degree Code would be minimal.

10. I have considered the comments made in respect of overlooking from the proposed extension. I consider that due to the position of the proposed side extension and its windows in relation to the gardens of Nos 20 and 24, significant overlooking of the rear garden of No 24 would not occur despite any differences in levels. I have also considered the comments in respect of overshadowing and given that the appeal property is to the north east of No 24, I do not consider that harmful overshadowing would result. I note the comments in respect of loss of outlook for the occupiers of No 21, but consider that whilst the existing gap between Nos 22 and 24 would be reduced, this would not have an unacceptable closing effect upon the outlook from No 21 given the distance between it and the difference in levels with the appeal property. In respect of comments made regarding construction disturbance, I consider that this would not be significant given the scale of development proposed.
11. Consequently, I do not consider that the appeal scheme would give rise to significant harm to the living conditions of the occupiers of No 24 in respect of dominance. The appeal proposal therefore accords with Core Strategy Policy P10 and saved UDP Policy GP5 and the guidance set out in the HDG.

Other matters

12. I have considered the comments made in respect of car parking access for emergency vehicles and highway safety. At my site visit I saw the paved parking area to the front of the appeal property which would be retained to provide off street parking. Whilst the existing garage would be demolished, I consider that sufficient off-street parking would remain to serve the dwelling. I note the comment in respect of loss of property values which could arise, but as is noted in the Planning Practice Guidance, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration.

Conditions

13. I have attached conditions in respect of timescale and have specified the approved plans to provide certainty. I have also attached a condition regarding materials in the interests of the character and appearance of the area.

Conclusion

14. For the above reasons and having considered all matters raised, I consider that the appeal should be allowed.

Philip Lewis

INSPECTOR