

Appeal Decision

Site visit made on 13 December 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 04 January 2017

Appeal Ref: APP/N4720/D/16/3163520

58 Albion Street, Otley LS21 1BZ

- 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 David Thompson against the decision of Leeds City Council.
 - The application Ref 16/05686/FU dated 11 September 2016, was refused by notice dated 14 November 2016.
 - The development proposed is extension to the rear, rear dormer and demolition of rear porch.
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Decision

1. The appeal is allowed and planning permission is granted for extension to the rear, rear dormer and demolition of rear porch at 58 Albion Street, Otley LS21 1BZ in accordance with the application Ref 16/05686/FU dated 11 September 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: 10979/01; 10979/02.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dormer 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 Points

2. It is undisputed by the parties that the ground floor extension would constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015. Accordingly the ground floor extension would not require planning permission. Therefore, whilst I acknowledge that there has been an objection to this element of the scheme from the neighbouring resident, my decision does not cover this matter.
 3. For clarification I have reordered the description of development as given on the application form.
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Main Issue

4. The main issue is the effect of the proposed dormer extension on the character and appearance of the dwelling and the Otley Conservation Area (CA).

Reasons

5. The appeal property is a mid-terraced dwelling within part of the town characterised by densely developed terraced streets constructed in stone. The dwellings in Albion Street are acknowledged within the CA Appraisal as making a positive contribution to the character of the CA.
6. It was evident from my visit that, whilst not prevalent in the wider locality or the section of terrace in which the appeal site is located, several rear dormer extensions similar in proportion to that proposed in this case have been erected elsewhere along Albion Street. There are also similar examples, albeit often smaller than the development proposed in this case, that have been erected elsewhere within the wider area.
7. The Council points out that other examples of dormer extensions in the street are historic cases, in relation to which there is a lack of planning history and which are likely to pre-date the Conservation Area status of the area. Notwithstanding this, the presence of existing rear dormer extensions is significant in terms of helping to assimilate the proposed development, ensuring that it would not appear incongruous within this broader context. I therefore give weight to this consideration in my decision.
8. In terms of detailed design, the dormer would retain a gap to the ridgeline and eaves level of the roof and would be set in, albeit marginally, from the side boundaries. It would not therefore dominate the upper elevation of the dwelling. The proportion and alignment of the window would be broadly in keeping with the first floor windows below. Furthermore, whilst clearly visible from the service lane immediately behind the dwelling, the dormer would be far less prominent when viewed from the main thoroughfares running perpendicular to this lane, Cambridge Street and Croft Street, due to its mid-terrace position. In addition, the backdrop of adjacent chimneys and construction in suitable recessive, matching materials would help to blend the dormer extension into its surroundings, further reducing its prominence.
9. I therefore conclude that the proposal would not result in harm to the character and appearance of the dwelling and the positive contribution that it makes to the CA. For the reasons set out above, the development would preserve the character and appearance of the CA.
10. Accordingly it would conform with Policies P10 and P11 of the Leeds City Council Core Strategy 2014; Saved Policies GP5, BD6 and N19 of the Leeds City Council Unitary Development Plan 2006 and the CA Appraisal insofar as they seek to promote good design which respects the original dwelling, adjacent buildings and protects local character and historic assets. I acknowledge that the development would not strictly accord with guidance in the Council's Householder Design Guide Supplementary Planning Document 2012 which seeks dormers to be smaller where they front a public highway or other public area. However for the reasons set out above, a more relaxed approach is justified in this case.

Conditions and Conclusion

11. For the above reasons, I conclude that the appeal should succeed and planning permission be granted.
12. Conditions specifying the plans and requiring details to be agreed of the materials to be used in the external surfaces of the dormer extension are needed to safeguard the character and appearance of the area.

Roy Merrett

INSPECTOR