
Appeal Decision

Site visit made on 14 March 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 28 March 2017

Appeal Ref: APP/N4720/D/17/3166705

65a Main Street, East Ardsley, Wakefield WF3 2AP

- 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 Sadiq against the decision of Leeds City Council.
 - The application Ref 16/06784/FU, dated 21 September 2016, was refused by notice dated 22 December 2016.
 - The development proposed is extensions and alterations to existing dwelling and new hardstanding area.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. At the time of my site visit the building on site was without a roof, a finished first floor, doors or windows. Also the proposed alterations and extensions, including an increase in the ridge height of the building and a first floor front extension, had been commenced but not completed.
3. The plans show two different layouts for the accommodation at roof level; one showing one bedroom and one showing two bedrooms. However either layout would result in materially the same external appearance, and therefore my decision is not affected by this ambiguity.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties in respect of their privacy and outlook; and
 - iii) whether the development would provide acceptable living conditions for its future occupiers.

Reasons

Character and appearance

5. The site is located behind the buildings fronting Main Street and is accessed by a short access road which also serves the playing field to the north and leads to a footpath. The property accommodates a large two storey structure attached to the house at No 65b Main Street and directly behind Nos 59 and 61 Main
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Street. Although it is not visible in the Main Street street scene, it does appear prominently when seen from the playing field and the access road.

6. The ground floor of No 59 to 63 is occupied by a local convenience shop. The flats above this are accessed through the appeal site and then by an external metal staircase. The site's context is therefore influenced by the irregular arrangement of residential accommodation and the mixture of dwelling types.
7. The development comprises an increase in the ridge height of the building by around 35 centimetres and the provision of a first floor front extension to bring the first floor forward, flush with the ground floor. Two dormer windows would also be provided.
8. The increase in the height of the ridge is a small alteration relative to the height of the original building and the resultant building reflects the height of No 65b. The first floor extension is a more substantial increase and brings the first floor of the house closer to front of the site making it appear more prominent when viewed from the north. The proposed dormers would incorporate an almost flat roof, would almost be the same height as the main roof and would stretch across most of the width of the house. As such they would appear to add another floor to the building when viewed from the front and side.
9. When taken together these alterations would result in an increase in the size and massing of the building which would result in the dwelling appearing dominant on its site and significantly larger than the other modestly sized neighbouring buildings when seen from positions to the north. Also, as it is in an enclosed space between the buildings fronting Main Street and No 65b, the dwelling would appear cramped on its plot. Consequently the development would detract from, and harm, the character and appearance of the area. It would therefore be contrary to Policy P10 of the Core Strategy (CS), Policies GP5 and BD6 of the Leeds Unitary Development Plan (UDP) and Policy HDG1 of the Council's Householder Design Guide Supplementary Planning Document (SPD) which all seek to ensure the design of development is appropriate, and not detrimental to, the townscape of the area.
10. I note the appellant's comments that the building was previously in a poor state of repair and that the proposed works improve its appearance. However as the works have already been substantially undertaken I cannot verify what the previous appearance of the building was or if it was detrimental to the character of the area. As such I can give little weight to this consideration.

Living conditions – neighbouring occupiers

11. The side elevation of the building is directly behind the flat at No 59 Main Street and partly behind the flat at No 61. These flats have their front door and a window facing the appeal site. Although the window at No 59 does directly face the development and the existing building does appear prominently, the proposed alterations would not significantly alter the massing of the building when seen from the side and therefore the outlook from this window would not adversely affected. Indeed due to the shallow depth of the building at the appeal site, an acceptable outlook from No 59 would be available in front of and behind it. Likewise although the existing building also appears prominently from the flat at No 61, a generally open vista is available from this property looking northwest. The flat at No 63 is further from the

development and has an open outlook. As such I do not consider the outlook from the flats at Nos 59 to 63 would be significantly compromised by the proposal and therefore the living conditions of their occupants would not be adversely affected.

12. The development would provide five windows at first floor level and above facing the rear garden of Nos 65 and 67. There is a boundary wall around two metres high on the south boundary of No 65, but nonetheless the windows in the proposed development would have a direct and close view over this garden. Although I accept this garden would have been able to be overlooked by the building at the appeal site when previously occupied, the increase in the number of windows and the fact that these windows are closer than before leads me to conclude that the potential for overlooking to this neighbouring garden would be significantly increased by the development to the extent that the occupiers would not be able to enjoy privacy in the garden.
13. I note there is the potential for overlooking from the staircase serving the flats at Nos 59 to 63. However I consider it unlikely that residents of these flats would linger on the stairs and so the likelihood of overlooking from this position is limited. I also acknowledge that the appellant resides in No 67 and has a relative living at No 65. Nonetheless I must consider all future occupiers of these houses and the privacy which they would reasonably expect in the garden.
14. In summary, though I do not consider the development would harmfully affect the outlook from the flats above Nos 59 to 63, I do consider the development would fail to ensure privacy for the occupiers of Nos 65 and 67 and hence would have a harmful effect on the living conditions of the occupiers of these properties. As such the development would conflict with Policy GP5 of the UDP, Policy P10 of the CS, and the guidance in Policy HDG2 of the SPD which all aim to ensure development avoids a loss of residential amenity.

Living conditions – future residents

15. No useable outdoor amenity space would be provided as a result of the works. However, it does not appear that there was any such space previously and therefore the proposal would not exacerbate this. Notwithstanding this, the site's close proximity to the playing field means future occupiers would have ready access to outdoor recreation space.
16. The alterations to the internal arrangement of the building would result in the proposed kitchen having no windows. This would result in this room having no natural lighting, ventilation or outlook. The lack of any outlook particularly would mean the living conditions provided for the future occupiers of the house would be unacceptable. As such the development would fail to accord with Policy P10 of the UDP and Policies GP5 and BD5 of the CS which all require development to provide a good design.

Other matters

17. The description of the development includes a new hardstanding area. However this is not indicated on any of the plans and no direct reference to any such area is made in the appeal documents. There is a parking area at the front of the site adjacent to No 65b but it is not clear if this is for the use of the occupiers of No 65b or the house at the appeal site. Similarly the Council

suggest the area immediately in front of the building is too small to be used for parking, but I am not certain if it is intended that this would be used for parking. As such I am unable to consider this part of the proposal fully. In any case this matter could not affect my conclusion on the main issues above and so is not determinative.

18. Also the appellant makes reference to the provision of a dedicated access to the flats above Nos 59 to 63 Main Street. However there are no details of how this would be achieved, and so I can give little consideration to it.

Conclusion

19. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR