
Appeal Decision

Site visit made on 23 May 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 26th May 2017

Appeal Ref: APP/N4720/W/17/3170166

18 Broughton Avenue, Harehills, Leeds LS9 6BD

- 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 SJ Property Group against the decision of Leeds City Council.
 - The application Ref 16/05430/FU, dated 30 August 2016, was refused by notice dated 24 October 2016.
 - The development proposed is self-contained basement flat and replacement of existing dormer with new dormer.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for this appeal are whether satisfactory living conditions for occupants of the proposed basement flat would be provided, taking particular account of outlook, light, noise and amenity space; the effect of the proposed development on the living conditions of occupiers of nearby premises; and the effect of the proposed development on the character and appearance of the host dwelling and the street scene.

Reasons

3. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise¹. Broughton Street is in a high density residential area in a suburb of Leeds close to shops and services and there are bus stops nearby. An additional residential unit would meet those aims of the development plan², and the National Planning Policy Framework (the Framework) that seek to increase the supply of housing.

Living conditions

4. The appeal property is a back-to-back mid-terrace house in a row of similar houses. Including the basement and roof space it has four floor levels. The basement is partially below the front garden area. It reached by a small light well from the front garden beside the stepped access rising to the door serving the dwelling. The steps to the basement are steep with a right angled bend.

¹ Section 38 of the Planning and Compulsory Purchase Act 2004

² Saved Policies of the Leeds Unitary Development Plan Review 2006 (the UDP); the Local Development Framework Core Strategy 2014 (the CS)

5. The basement area is small. There is a small window to a second light well. The floor of the basement is considerably below external ground levels and the property has a single aspect. Accordingly the outlook from, and light into, the proposed self-contained flat would be extremely restricted even though the external wall is south west facing. Due to the limited extent of external wall it is not clear how satisfactory ventilation could be provided for the kitchen and bathroom without powerful and potentially noisy mechanical extraction systems. Moreover the comings and goings of a separate household in such a restricted property would be likely to cause undue noise and inconvenience to occupants of the host and proposed dwellings, including when windows are open, even if appropriate sound insulation were provided for interior walls. The window in the proposed flat would also be overlooked by those entering the main house at No 18.
6. The amenity space available to occupants of No 18 is already limited to the small yard area to the front of the property. This is also the only space for bin and cycle storage. The addition of bins and cycles for a separate household, even if restricted to a single occupant, would reduce the available space. Although the yard area is similar to those elsewhere along the appeal side of Broughton Street, and basements may be in use as ancillary accommodation to those properties, I saw no obvious examples of basements in separate occupation. Nor does the availability of public open space compensate for creating cramped, shared amenity space as proposed.
7. For the reasons set out above I conclude that the proposed development would be cramped and contrived. It would not provide satisfactory living conditions for future occupants of the proposed flat and would adversely affect the living conditions of occupants of the main house at No 18. For these reasons I conclude that the proposed development would conflict with Policy GP5 of the UDP; Policies P10 and H6 of the CS; and those principles of the Framework that require a good standard of amenity for all existing and future occupants of land and buildings. Although each application and appeal falls to be considered on its own merits the proposal could also set a precedent which might make it more difficult for the Council to resist similar unsatisfactory proposals at nearby properties.

Character and appearance

8. The proposed dormer would replace a smaller dormer. It would be set in from the sides of the roof of No 18 and down from the ridgeline. During my site visit I observed that many nearby properties have dormers. The Council raises no objections to the size of the dormer and I see no reason to reach a different view.
9. However, the proposed use of uVPC on the cheeks of the dormer would be an unduly prominent and discordant feature in the roofscape. Accordingly the dormer as proposed would detract from the character and appearance of the host property and the area. It would not be good design and therefore would conflict with Policy P10 of the CS, Policies GP5 and BD6 of the UDP, and those principles of Policy HDG1 of the Householder Design Guide and the Framework that seek good design that respects the character and appearance of the area.

Conclusion

10. The proposed development would add to the stock of housing whether or not the Council could identify a five year deliverable supply of housing land. However, I have found it would not be good design and would not provide a good standard amenity for existing and future occupants of the proposed and neighbouring properties. In failing to comply with Policies GP5 and BD6 of the UDP and Policies P10 and H6 of the CS the proposal cannot comply with the development plan taken as a whole. For the reasons set out above, and taking into account all other relevant matters raised, I conclude that the appeal should be dismissed.

SHarley

INSPECTOR