
Appeal Decision

Site visit made on 8 May 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/N4720/W/16/3163923

4 Scarcroft Grange, Wetherby Road, Leeds, LS14 3HJ

- 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 Martin Jervis against the decision of Leeds City Council.
 - The application Ref 16/02453/FU, dated 26 April 2016, was refused by notice dated 12 September 2016.
 - The development proposed is alterations involving replacement of existing windows and formation of external access and balconies.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Scarcroft Grange sits at an angle to Wetherby Road. Therefore, in the interests of clarity where I have referred to the front of the building, this relates to the same elevation as the front door to no 4 Scarcroft Grange, and where I refer to the rear elevation, this relates to the elevation which faces the extensive gardens.
3. The appeal site lies within the Green Belt. However, due to the nature of the proposed development the Council does not consider that this is pertinent to the appeal before me. I concur with this approach.

Main Issues

4. The main issues in this case are whether or not the proposed development would preserve or enhance the character or appearance of the Scarcroft Conservation Area; and the effect of the proposed development on the living conditions of the occupiers of other flats within Scarcroft Grange, with particular reference to privacy within the gardens.

Reasons

Conservation Area

5. I have not been provided with a Conservation Area Appraisal for the Scarcroft Conservation Area, nor have I been provided with details of the historic development of the appeal site and the wider area. However, following my site visit, I consider that a significant aspect of the character of the wider Conservation Area derives from a group of buildings of a range of ages, and

styles, within an estate setting. Within this framework, some more modern building has taken place.

6. Scarcroft Grange, which I understand to have been the childhood home of Sue Ryder, is a substantial eighteenth century property, which was converted in the early 1950's to a number of flats. There are visible signs of the subdivision of the property, such as a large block of garages to house the cars associated with the separate flats. In addition, there has been an extension to Flat no 1, as well as a number of unsympathetic alterations, including the introduction of UPVC materials. Nonetheless, Scarcroft Grange retains a visual coherence and identity as a historic house. The fact that it is not a listed building and that it is screened by trees in the summer months does not undermine the positive contribution it makes to the significance of the Conservation Area.
7. The proposed development would introduce glass and brushed steel balconies to both the rear and front elevations. I am aware that the materials have been chosen to have a minimal visual impact on the building. Nonetheless, they would appear incongruous in the context of the existing materials. Moreover, as the location of the proposed balconies is determined by the layout of Flat no 4 and the availability of a flat surface below, the distribution of balconies would appear ad hoc in the context of the building as whole. Therefore, irrespective of the materials to be used the balconies would have a substantively negative impact on the visual quality of the elevations and would appear discordant.
8. For the most part, the casing of the traditional sliding sash windows maintain a consistent height to the top and bottom of the window openings across each floor and are an important aspect of the design and appearance of the Georgian property. To enable access to the proposed balconies, including the Juliet balcony on the second floor, the bottom of the cill would be lowered to house French doors. The result of this would be to increase the area of glass and to interrupt the established line of the windows. The lowering of the sill of the rear bay window would have a similarly adverse impact on the visual coherence of both elevations.
9. In coming to this conclusion, I am aware that the bottom of the proposed French door, on the second floor at the front of the house, would be screened by the balustrade. Nonetheless, the design of a French door would appear substantively different from the existing 12 paned sliding sash window which has a horizontal emphasis.
10. Consequently, I conclude that the proposed alterations to include balconies and French doors would not respect the existing detail, proportions and materials of the original building, and would not preserve and enhance the character or appearance of the Conservation Area.
11. There is already an access from Flat no 5 to form a sitting out area at the front of the property. However, I have not been provided with details as to whether this door has the benefit of planning permission and therefore, I give this little weight in my consideration of the appeal. In addition, it has been brought to my attention that in the past residents have been in the habit of climbing out of the window of proposed bedroom no 3 to sit out on the flat roof over the bay and that an access from the kitchen to a balcony would provide a second fire exit. Nonetheless, whilst clearly the introduction of a door and hand rail would both ease access and reduce the risk of falls from the flat roof outside of bedroom no 3, this does not itself justify the proposed balcony. Moreover, I

have not been provided with any evidence that egress via a French door is required to satisfy fire regulations to enable additional accommodation within the flat. Consequently, whilst I conclude that the harm to the significance of the Conservation Area is less than substantial, the benefits are not sufficient to outweigh that harm.

12. As such the proposed development fails to preserve the character and appearance of the Conservation Area and would be contrary to Policies P10 and P11 of the Leeds Core Strategy (CS) adopted 2014, and Saved Policies GP5, N19 and BD6 of the Leeds Unitary Development Plan, adopted 2006, and the detailed guidance within Policy HDG1 of the Householder Design Guide, Supplementary Planning Document (SPD) adopted 2012, which are broadly consistent with the policies of the Framework.

Living conditions

13. At my site visit, I observed that the large bay window in the living room provides extensive views over the gardens at the rear of the property. Similarly, the existing dormer windows on the second floor face directly out onto the gardens. Therefore, there is already significant opportunity for occupants of Flat no 5 to overlook the gardens below. However, there is a substantive difference between the impact, and perception, of being overlooked from a balcony compared to being overlooked from windows serving a living room or bedroom, where it is not obvious to those enjoying the gardens below that they may be being overlooked, and where they are not in such close proximity.
14. I am aware that the occupants of the flat do not have direct access to the garden. As such, the construction of the two balconies would provide a convenient alternative for occupants to sit out in the fresh air. They are therefore likely to be well used, particularly during the summer months.
15. Consequently, the proposed alterations to form two balconies at the rear of the property would have a significant adverse impact on residents' enjoyment of the gardens below as a result of a perceived and a real loss of privacy. As such, the proposed alterations would be contrary to Policy GP5 of the UDP which requires that the amenity of residents be protected and HDG2 of the Householder Design Guide SPD which emphasises the importance of avoiding overlooking.

Other matters

16. I have been referred to matters relating to ownership and building control issues. However, such matters are not relevant to my determination of the appeal.

Conclusion

17. For the reasons set out above the appeal should be dismissed.

L. Nurser

INSPECTOR