

Appeal Decision

Site visit made on 4th August 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 31st August 2017

Appeal Ref: APP/N4720/D/17/3176650

22 Ederoyd Avenue, Stanningley, Pudsey, Leeds, LS28 7QY.

- 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 and Mrs Pawson against the decision of Leeds City Council.
 - The application Ref: 17/01443/FU, dated 3 March 2017, was refused by notice dated 28 April 2017.
 - The development proposed is single storey rear and two storey side extensions to semi-detached property and paving of front garden.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear and two storey side extensions to semi-detached property and paving of front garden, at 22 Ederoyd Avenue, Stanningley, Pudsey, Leeds, LS28 7QY, in accordance with the terms of the application Ref: 17/01443/FU, dated 3 March 2017, 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: Location & Site Plan: Drwg No: 01; Existing Floor Plans: Drwg No: 02; Existing Elevations: Drwg No: 03; Proposed Plans: Drwg No: 04; Proposed Elevations: Drwg No: 05.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no additional windows or other openings shall be formed in the flank (side) wall of the two storey side extension facing No 24 Ederoyd Avenue without express planning permission.
 - 4) The window in the ground floor side elevation of the two storey extension shall be fitted with obscure glass and permanently retained in that condition thereafter.

Main Issue

2. The main issue in this appeal is the implications of the proposal for the character and appearance of the area.
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Reasons

3. The Council's concern rests with the impact of the proposal on the relative spacing between the appeal property and its neighbour No 24 Ederoyd Avenue. In this respect, the side extension would stand close to the common boundary between the two properties and the Council say that it would fail to achieve the 1 metre gap to the boundary and 2 metre set back at first floor set out in the Leeds Local Development Framework *Householder Design Guide* Supplementary Planning Document 2012 (SPD).
4. However, whilst it is fair to say that the spacing between the majority of nearby houses is relatively regular, in this particular case, the adjoining property is orientated at an acute angle relative to the appeal dwelling, such that there exists a substantially greater gap between the two. It is also set on a different building line. This being the case, whilst the proposal would reduce the spacing to the appellants side boundary, the resultant spacing between the two properties would be largely maintained and the proposal would not give rise to a terracing effect.
5. For these reasons, I conclude on the main issue that the proposal would integrate satisfactorily with the host property, its neighbour and the wider character and appearance of the area. I thus find no conflict with Policy P10 of the Leeds Local Development Framework Core Strategy (2014) or Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006), nor the advice in the Framework. These seek to resolve detailed planning considerations including design and ensure that new development including alterations and extensions, respects both the scale and form of the original building and its wider setting. Whilst it would not comply with the letter of the advice in the SPD, it would not conflict with its underlying objective to avoid extensions which harm the character of the area.
6. The Council suggest no conditions. In addition to the standard condition relating to the time limit for commencement of the development, one confining the approval to specified plans is necessary for certainty. As the application forms stipulated matching external materials, a condition relating thereto is unnecessary. In order to protect the privacy of occupants of No 24 Ederoyd Avenue, conditions requiring the side facing window at ground floor to be fitted with obscure glazing and withdrawing permitted development rights for the future insertion of additional windows in the side elevation of the extension are both reasonable and necessary. The parties were canvassed and no objections raised.

ALISON ROLAND

INSPECTOR