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## Appeal Decision

Site visit made on 19 October 2017

**by D Guiver LLB(Hons) Solicitor**

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

**Decision date: 30 October 2017**

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**Appeal Ref: APP/N4720/D/17/3180553**

**7 Dale Park Close, Cookridge, Leeds LS16 7PR**

- 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 Adam Hague against the decision of Leeds City Council.
  - The application Ref 17/01493/FU, dated 7 March 2017, was refused by notice dated 15 May 2017.
  - The development proposed is a two-storey side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension at 7 Dale Park Close, Cookridge, Leeds LS16 7PR in accordance with the terms of the application, Ref 17/01493/FU, dated 7 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 plan: 318-011 Rev B except in respect of the materials shown on the plan.
  - 3) The external surfaces of the development hereby permitted shall be constructed in materials to match the existing building.
  - 4) The extension hereby permitted shall not be occupied until the window in the southern side elevation has been fitted with minimum level three obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
  - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the southern side elevation.

### Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the host building and the surrounding area and on the living conditions of the occupiers of neighbouring properties.

## Reasons

3. Dale Park Close is a short cul-de-sac of approximately twenty dwellings divided roughly into seven or so pairs of semi-detached properties, and six or so detached properties. The street climbs up from its junction with Dale Park Rise creating an attractive stepped effect amongst the houses. The detached properties are relatively modern two-storey buildings with gabled front elevations and attached garages. The semi-detached properties sit at the northern end of the cul-de-sac and along the eastern side of the road. Each house has a gabled front resulting in a double-gabled façade to the semi-detached pair.
4. The detached properties sit on the western side of the street and are built at an oblique angle so that they are orientated on a south-east to north-west line. This results in the northern side elevation of the houses sitting approximately at 90° to the front elevation of its immediate northern neighbour. These detached properties differ in size as many appear to have been extended to some extent while retaining the front gable.
5. The appeal site has been partially extended with a larger porch and garage and a single-storey rear extension but remains reflective of the predominant design. However, it has a brick façade in contrast to its neighbouring properties which are partially rendered. The proposal is for a two-storey extension built on the southern side elevation and approximately half the width of the existing building. The ground floor of the proposed extension would sit behind the existing garage.

### *Character and Appearance*

6. The proposed development would retain the front gable and the extension would have a hipped roof, which would be subordinate to the existing building and would blend easily with the existing design features of the house.
7. The building would be of a scale similar to the extended detached property just to the south at 1 Dale Park Close, which sits comfortably in the street. I also consider that the proposed extension would not be an incongruous addition to the area when compared to the more numerous double-gabled semi-detached houses, which appear much larger because of the double-gabled front elevations.
8. Therefore, I conclude that the proposal would be in accordance with Policy BD6 of the Leeds Unitary Development Plan 2006 (the Local Plan) and Policy P10 of the Leeds Core Strategy 2014 (the Core Strategy), as supplemented by paragraph HDG1 of the Householder Design Guide Supplementary Planning Document 2012 (the SPD) which together seek to ensure that developments do not cause unacceptable harm to the character and appearance of the host building and the surrounding area.

### *Living Conditions*

9. The appeal property sits to the north and west of No 5 and the proposed extension would be built parallel to the shared boundary. The proposed extension would rise above the boundary fence but because of the orientation of the properties there would be little, if any, effect on direct light to the rear of No 5 or its garden.

10. The configuration of the properties in terms of their respective positions on the slope of the road and in relation to each other means that the principal outlook from each property is towards the south and west. This aspect would be unaffected by the proposed extension and I consider that the building would not have an overbearing or oppressive effect on the occupiers of No 5.
11. The side elevation of the proposed extension has only one window, and this would provide natural light for a lavatory, which the proposal states would be glazed with obscured glass. This window would be on the ground floor and there would be no overlooking of the house or garden of No 5 from the proposed development.
12. Therefore, I conclude that the proposal would be in accordance with Policy GP5 of the Local Plan and Policy P10 of the Core Strategy, as supplemented by paragraph HDG2 of the SPD which together seek to ensure that developments do not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties.

### **Conditions**

13. The conditions imposed are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.
14. In the interests of proper planning I have imposed the standard condition in respect of time limits. For certainty I have imposed a condition requiring compliance with the plan.
15. To ensure there is no unacceptable detrimental impact on the living conditions of the occupiers of the neighbouring property at 5 Dale Park Close I have imposed a condition removing permitted development rights for the installation of additional windows in the southern side elevation.
16. Because the appellant's statement has indicated that there is no longer an intention to render the extension I have imposed conditions in relation to external windows and materials.

### **Conclusion**

17. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should succeed.

*D Guiver*

INSPECTOR