
Appeal Decision

Site visit made on 7 November 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 17th November 2017

Appeal Ref: APP/N4720/D/17/3181234

12 Moor End, Boston Spa, Wetherby LS23 6ER

- 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 Sowry against the decision of Leeds City Council.
 - The application Ref 17/02372/FU, dated 11 April 2017, was refused by notice dated 7 June 2017.
 - The development proposed is a two storey side and rear extension, and a single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear extension, and a single storey rear extension at 12 Moor End, Boston Spa, Wetherby LS23 6ER in accordance with the terms of the application, Ref 17/02372/FU, dated 11 April 2017, subject to the conditions set out in the attached Schedule to this Decision.

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the building and the area.

Reasons

3. The appeal property is a semi-detached house, with its main side elevation set off the boundary with 13 Moor End. The area up to the boundary is used as a driveway which accesses a car port and then a garage. A similar arrangement is found on the side of No 13. The property has spacious front garden and the house is well set back from the road. It forms part of a row of semi-detached properties, where there is some spacing to their respective side boundaries to vary degrees although, as with the appeal site, some also have garages to the side. There are also some examples of 2 storey side extensions towards Moor End Gardens.
4. The proposal would be set in from the boundary with No 13 by approximately 0.5m and its width would be considerably less than the existing house. Its front elevation would also be well set back from that of the house, and the ridgeline of the roof would be set down from the main roofline. Taking these factors together, I consider that with proposal's size, massing and siting, it would not appear dominant as regards the existing house.
5. The proposal would also be sited well back from the road and, in my view, this would limit significant effects on the streetscene, also having regard to that it

would not appear dominant in relation to the house. As such, I consider it would not result in the character of the area becoming unduly enclosed in nature, despite that it would reduce the gap to the boundary with No 13.

6. Whilst the proposal would be in technical breach of the Council's Householder Design Guide Supplementary Planning Document (2012) (SPD), which seeks to ensure that at least a 1.0m gap should be maintained to the side boundary, the SPD's justification for this guideline is to prevent important gaps within the street being eroded. In this regard, I am not persuaded that with the distance the proposal would be set back from the road, and its proportions, that exceeding the SPD guidelines by a modest amount would make a significant material difference. Consequently, it would not unduly erode the space around the property.
7. The Council have made reference to a number of other extensions which they consider are unsympathetic. However, I find the proposal would more comfortably fit within its surroundings. It would also not set any undue precedent as each case would need to be considered on its merits.
8. I conclude the proposal would not have an unacceptable effect on the character and appearance of the building and the area. Therefore, it would comply with Policy P10 of the Leeds City Council, Leeds Core Strategy (2014), and 'Saved' Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006) which, collectively, expect development to provide a good design that is appropriate to its location, scale and function; respect the scale, form, detailing and materials of the original building; and resolve design as a detailed planning consideration.
9. Similarly, I also conclude the proposal would comply with paragraph 58 of the National Planning Policy Framework as its design would respond to local character and reflect the identity of its surroundings. More broadly, it would recognise the importance of good design as a key aspect of sustainable development. It would also comply with Policy HDG1 of the SPD as it would respect the scale, form, proportions, character and appearance of the main dwelling and the locality.

Conditions

10. As well as the standard time limit condition (1), I have imposed conditions in the interest of certainty (2) and to safeguard the character and appearance of the house and the area through the use of matching materials to the existing house (3). I have also imposed conditions to protect the privacy of the occupiers of adjoining dwellings to prevent undue overlooking from the proposed first floor side elevation window facing No 13 (4) and to prevent the insertion of further first floor windows into the side elevations (5).

Conclusion

11. For the reasons set out above, the appeal should be allowed.

Darren Hendley

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1095 01 A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The extension hereby permitted shall not be occupied until the window at first floor level on the side elevation facing No 13 Moor End has been fitted with 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. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and 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 other than those expressly authorised by this permission shall be constructed at first floor level on the side elevations of the extension hereby permitted.