



Appeal Decision

Site visit made on 30 July 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 13th August 2019

Appeal Ref: APP/N4720/D/19/3230092

25 Ash Hill Gardens, Shadwell, Leeds LS17 8JW

- 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 Dillon against the decision of Leeds City Council.
 - The application Ref 18/07221/FU, dated 16 November 2018, was refused by notice dated 7 May 2019.
 - The development proposed is a part 2 storey front and side and single storey rear extensions.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development has changed from the original planning application form. These changes have been agreed by both parties and is now described as a two story front extension; Two storey part single storey side/rear extension; part conversion of integral garage to utility room/storage.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the host property and the wider streetscene, (ii) the living conditions of the occupants at No 27 Ash Hill Gardens.

Reasons

4. The appeal site is situated in a relatively modern and well-maintained residential housing estate in Shadwell. The area is suburban in nature and consists mainly of detached properties constructed from random coursed stone. Number 25 Ash Hill Gardens is a detached two storey, gable roofed dwelling, with a cat slide roof and dormer window to the front elevation. The house is set back from the road within an open fronted plot, providing reasonably unrestricted views of the property.

Character and Appearance

5. The proposed two storey front extension would require the removal of the existing cat slide roof and dormer window, which are characteristic of this and many of the neighbouring properties. These features would be partly replaced by a new gable end frontage. This would be transverse to the existing roofline and therefore completely out of keeping with the architecturally less complex and simple neighbouring properties.

6. Furthermore, the two-storey side extension and additional front two storey extension incorporating the new study and fifth bedroom would considerably add to the scale and massing of the property. Despite the use of sympathetic materials and its set-back position from the street, the bulk of the proposal would be prominent and dominant, particularly when viewed from the junction of Ash Hill Gardens and Ash Hill Drive. This would dominate the host property and diminish the character of the local streetscene.
7. I therefore conclude that the development would have a detrimental effect on the character and appearance of Ash Hill Gardens and the host property. This consequently conflicts with Policy P10 of the Core Strategy of the Leeds Local Development Framework (LLDF) 2014, saved policies GP5 and BD6 of the Leeds Unitary Development Plan (LUDP) Review 2006. It is also contrary to policy HDG1 of the Householder Design Guide (HDG) supplementary planning document (SPD) 2012, to which I have had due regard. Amongst other things, these policies require development to take account and make a positive contribution to the existing building, local character and townscape.
8. The appellant has pointed out that planning permission has been granted for a variety of extensions in the area. However, I am not aware of the particular circumstances in these cases and in any event, I must consider the appeal scheme on its own merits. The existence of other extensions in the locality does not justify the harm I have identified. The appellant also makes reference to the Shadwell Neighbourhood Plan, but acknowledges that this document is still at a pre-submission stage. As such it currently attracts only minimal weight in my consideration of the merits of this appeal.

Living Conditions

9. The close proximity and elevated position of the new extensions in relation to the neighbouring property, would lead to a detrimental effect on the residential amenity of the occupants of No 27.
10. The front facing window of bedroom 4, of the proposed first floor side extension, is positioned at a slight angle to No 27. Regardless, it would still afford unacceptable views into the bedroom and garden of No 27, leading to a loss of privacy.
11. Consequently, the development would have a negative effect on the residential amenity of the occupants at No 27. This conflicts with Policy P10 of the Core Strategy of the LLDF 2014, saved policy GP5 of the LUDP Review 2006. It is also contrary to policy HDG2 of the HDG SPD 2012. The above policies require development to take account of and protect existing residential amenity.

Other Matters

12. The appellant has raised the issue of the pre-application advice provided by the Local Planning Authority (LPA) in relation to this proposed development. This is not something of which I am able to take into consideration and remains a matter between the appellant and the LPA. As such I have paid little regard to it in this decision.
13. I have taken into account representations about protected species, flooding, drainage and existing landscaping, but these are matters which do not affect my findings on the main issues.

Conclusion

14. For the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR