

Appeal Decision

Site visit made on 20 August 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 6 September 2019

Appeal Ref: APP/N4720/D/19/3232340
30 Chapel Lane, Headingley, Leeds LS6 3BW

- 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 & Mrs J Schorah against the decision of Leeds City Council.
 - The application Ref 19/02668/FU, dated 30 April 2019, was refused by notice dated 13 June 2019.
 - The development proposed is rear extension with paved areas, steps and railings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of development set out in the Council's decision notice and subsequently cited by the appellants in their appeal submissions as I consider it to more concisely describe the proposal and avoiding the superfluous. I am satisfied that to do so would not cause disadvantage to any party and I have determined the appeal accordingly.

Application for costs

3. An application for costs was made by Mr & Mrs J Schorah against Leeds City Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Headingley Conservation Area; and
 - The effect of the proposed development on the living conditions of occupiers of 28 Chapel Lane, with particular regard to daylight / sunlight, outlook and privacy.

Reasons

Character and appearance

5. The appeal property occupies a mid-terrace position on the western side of Chapel Lane, a residential street within the Headingley Conservation Area (the CA). The terrace steps up the gradual incline of Chapel Lane in pairs and has an imposing presence with steps leading up to front doors elevated above garden level.

6. A similar relationship is evident at the rear, where the terrace sits above the surrounding garden levels and each property has a short flight of steps leading down to garden level. A further set of external steps led down from garden level to a partly sub-terranean basement level at the appeal property, a feature replicated at the neighbouring No. 28.
7. I saw that the rear elevation of the terraced block is relatively simple in its appearance and detailing. Other than small ad-hoc additions such as the centrally located porch and rear dormer window at No. 30, is devoid of extensions and additions. Thus, the pleasing rhythm of the vertically aligned ground and first floor windows and centrally positioned doors can be clearly understood and this simple repetition contributes significantly to the character and appearance of the constituent parts of the terrace, the terrace as a whole and the surrounding area more widely.
8. Despite the proposed extension's limited projection, it would nonetheless be an incongruous and jarring addition to the rear of the host property and to the terrace as a whole. Its width would be such that it would occupy a significant proportion of the rear elevation, whilst its angular boxy form would obscure the arched brick-on-end header above the existing ground floor window and the centrally positioned rear door. I accept that the heavily glazed end elevation would allow the interior of the building to be visible but I do not agree with the appellants' suggestion that the existing door and window openings would be retained and visible through that glazing.
9. Instead, it seems to me that the submitted plan¹ shows the existing ground floor window and door openings would be knocked through into a single opening with a double height void linking basement and ground floor levels. The glazing may allow views into the original property from outside, but it would subsume a significant proportion of the rear ground floor of the property and remove the features that the appellant's say it would retain and allow views of.
10. I saw there to be some variety to the terrace's rear elevation in terms of the porches present (or not, in some cases) and that, as there is an absence of larger forms of extension along the rear that there inevitably comes a point where someone is the first to propose an extension or alteration. However, the relative simplicity of the rear elevation, enlivened by clear repetition of fenestration and discrete detailing along its length contributes significantly to its character, and the contribution that it makes to the character and appearance of the CA.
11. The rhythm present along the terrace is derived as much from that at the rear as at the front. I accept that the rear elevation is partly obscured from ground level vantage points along the rear lane by boundary walls and vegetation. However, that is not to diminish its contribution to the streetscene and the character and appearance of the surrounding area, which is experienced from surrounding properties. For the reasons I have set out above, the proposal would be an incongruous and jarring addition to the rear of the pleasingly simple rear elevation of the appeal property, and of the terrace as a whole. Thus, I conclude that the proposal would be contrary to Core Strategy (CS) policies P10 and P11 and Unitary Development Plan Review (UDPR) saved policies BD6 and GP5. Together, these policies seek to ensure that proposals

¹ 'Proposed ground floor plan' as part of Drwg No 1223-G12_101

deliver high quality design where key principles such as size, scale, design and layout are appropriate to context and respects the character and quality of the surrounding area and that proposals protect and enhance, amongst other things, the district's historic assets.

12. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
13. The proposal would fail to preserve or enhance the character or appearance of the conservation area causing harm to the character and appearance of the conservation area. In the parlance of the Framework however, that harm would be 'less than substantial'. Paragraph 196 states that where a proposal would result in 'less than substantial' harm, that harm should be weighed against the public benefits of the proposal. The proposal would provide improved living conditions and an additional quantum of accommodation for the appellants. These are, however, private not public benefits.
14. Photographic examples of modern interventions and extensions to properties in conservation areas have been cited, but I have no knowledge of their location, context or circumstances. I have, in any event, determined the appeal before me on the basis of the evidence and its own merits. There would be no public benefits from the proposal to outweigh the less than substantial harm to the character or appearance of the conservation area.

Living conditions

15. The proposed extension would be positioned due south of No. 28 and only very slightly set in from the fence and hedge line between Nos. 28 and 30. Despite its limited depth, the proximity of the extension to the rear of No. 28 could therefore be expected to have some impact on the levels of sunlight and daylight entering the windows at the rear of the neighbouring property. Indeed, it was sunny at the time of my visit and I can imagine that the flank wall's projection would result in some overshadowing of the nearest ground floor window at No. 28.
16. Whilst I do not consider an extension with a rearward projection in the region of 2 metres to be particularly excessive, the extension's overall height is a more pressing concern. I accept that the internal ground floor levels of both No. 28 and No. 30 are raised above garden level and that the full extent of the flank wall's height would be situated closest to the steps leading down to the basement level at No. 28, but the result would nonetheless be a significant and imposing wall close to a rear facing window at No. 28. Furthermore, in the garden area closest to the rear elevation of No. 28, the extension's flank would be uncharacteristically close to the neighbouring property and, as that would be at odds with the simple and spacious rear aspects that typify the rear of Chapel Lane, the bulk and massing of the extension would take on an added and harmful significance.

17. I noted that there was a reasonably dense and, in places, high garden hedge between Nos 28 and 30. This, the appellants state, would limit the impact of the proposed extension on the adjoining property.
18. To an extent, that may be true. In longer views back towards the rear elevation from the foot of the garden, the intervening hedge would largely screen the expanse of glazing on the extension's west elevation and restrict the potential for harmful or unacceptable overlooking or loss of privacy to occur. However, the submitted plan² shows the soft landscaping to the boundary to stop short of the stairwell excavation and extension and as such I consider it unlikely that it would in any meaningful or effective way disguise the bulk and height of the extension despite its limited overall projection.
19. The extension would, for these reasons, be an unacceptably overpowering and dominant presence at the rear of No. 30 which would also, by virtue of its height and siting, result in the loss of daylight and sunlight to the rear of No. 28 at certain periods of the day, and times of the year. Taking these factors together, the proposal would cause material harm to the living conditions of occupiers of No. 28 thereby failing to protect residential amenity contrary to CS policy P10, UDPR saved policy GP5 and policy HDG2 of the Householder Design Guide Supplementary Planning Document.
20. With regard matters of privacy, the extension's solid flank wall would prevent direct views towards the rear elevation and windows of No. 28. Internally, the extension's layout would provide a double height internal space but would not, other than the internal steps to the basement level, bring the raised ground floor level further out beyond the existing main rear elevation. Thus, the position from which elevated longer views into the garden would be taken would not materially change, whilst the flank wall would narrow the angle of view from the rear. There would, I conclude, be no material harm with regard to privacy or overlooking.

Conclusion

21. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

² 'Proposed Block Plan' as part of Drwg No 1223-G12_101