



Appeal Decision

Site visit made on 2 October 2019

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/N4720/D/19/3233086

38 Rawdon Road, Horsforth, Leeds LS18 5EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs A Xinya against the decision of Leeds City Council.
 - The application Ref 19/02223/FU, dated 8 April 2019, was refused by notice dated 12 June 2019.
 - The application sought planning permission for two storey, single storey side/rear extension without complying with a condition attached to planning permission Ref 17/04803/FU, dated 6 October 2017.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The application subject to this appeal is made under Section 73A of the Town and Country Planning Act 1990 for a minor material amendment (MMA). It seeks permission for the side and rear extension as constructed, the design of which is different from that approved. The application seeks a new permission that would, among other things, be subject to a condition specifying the plans that reflect the revised design. The Council has dealt with the scheme as a MMA and I have dealt with the appeal in the same way.
3. In light of that, the main issues in this case are the effect of the revised design on:
 - the character and appearance of the host property and surrounding area; and
 - on the living conditions of the occupiers of 40 Rawdon Road with particular regard to light and outlook.

Reasons

Character and appearance

4. The appeal property is two storey, detached dwelling which lies in a generous plot set well back from the busy Rawdon Road. It has been substantially extended to both the side and rear. The two storey side extension has been constructed in close proximity to the boundary with the adjoining dwelling, 40 Rawdon Road. It comprises a catslide roof with bay window at ground floor that projects forward of the original front facing gable. A part two, part single storey rear extension extends the full width of the dwelling and occupies a considerable portion of the rear garden. The two storey element has a hipped, dual pitched roof, the ridgeline of which extends above that of the main dwelling.
5. Policy HDG1 of the Council's Supplementary Planning Document 'Householder Design Guide' (2012) (SPD) states that all extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. An extension which is well designed should be of a size and shape which is in keeping with the building and, in most circumstances, should be subordinate with the windows and detailing reflecting those on the original house. All parts of the extension (including its roof) should adequately reflect the proportions of the existing house and mirror its architectural details.
6. By virtue of its position forward of the front facing gable, together with its lack of set down at ridge level, the side extension lacks subservience to the original dwelling. The resulting expansive roofscape exacerbates its prominence. Similarly, the two storey rear extension does not appear as a subservient element to the existing house. Rather, it appears as a disproportionate and discordant enlargement owing to its width, depth and raised ridgeline. Moreover, the varying roof forms and mismatch of ridge heights results in a cluttered complexity which has an unduly jarring visual impact.
7. I saw at my site visit that the site levels and the long front garden go some way in reducing views of the two storey extension from Rawdon Road. Nevertheless, it is not screened in its entirety and is clearly visible from the rear windows and gardens of neighbouring properties. The side extension is clearly visible from the public realm. Overall, the design, scale and massing of the extensions result in overly dominant additions to the property with consequential harm to its character and appearance and that of the surrounding area.
8. I note that the approved scheme comprises the raising of the roof on the main dwelling. However, that scheme is different from the one which has been built and does not negate the harm I have identified above. Neither the retention of the front facing gable, the size of the plot nor the proposed use of render to tie the extensions together visually would overcome the incongruity of the extensions. I have had regard to the differing designs within the surrounding area and note that several properties have been extended. However, none was directly comparable to that the subject of this appeal. In any event, each application and appeal must be considered on its own merits.
9. I therefore conclude that the revised design has an unacceptable impact on both the character and appearance of the host property and of the surrounding

area. There is conflict in this regard with Policy HDG1 of the SPD and Policies GP5 and BD6 of the Unitary Development Plan Review (2006) (UDP) which together and, amongst other things, seek to secure high quality development that is appropriate to its context and which respects the scale, form, proportions, character and appearance of the main dwelling and the locality.

Living conditions

10. The Council's second reason for refusal relates to the impact of the revised scheme on outlook and light for the occupiers of the adjoining property, 40 Rawdon Road, a detached, two storey dwelling.
11. At the time of my site visit, a large single storey extension was under construction at this property.
12. Whilst the two storey side extension at the appeal property does not project further past the original rear building line of No 40 than that previously approved, it does project further forward as a result of the catslide roof. The rear single storey and two storey extension has also been constructed 2 metres deeper than that approved.
13. In terms of overshadowing and dominance, the SPD refers to a 45 degree code, which takes account of the position of neighbouring windows. I saw at my site visit that No 40 has windows on both the front and rear elevations close to the boundary, although I have no information as to whether they are to habitable rooms. In the absence of any scaled details showing the 45 degree code as applied to No 40 and the extensions, I am not in a position to conclude with any degree of certainty whether or not the code would be breached. Having said that, I consider that the two storey rear extension is sufficiently large and so close to the boundary to appear unacceptably dominant when viewed from the adjoining windows and rear garden, even taking into account the single storey extension under construction at No 40. There was no evidence on site that the rooms affected, or the garden area are not used as private amenity space.
14. I have had regard to the shadow diagrams provided by the appellant. However, they lack any meaningful detail, not least any indication as to what time of day or year has been assessed. Furthermore, I cannot be sure that the Council or interested parties have had sight of this information and am unable to draw any firm conclusions on this matter. From my own observations on site, I have concerns that the extensions could cast larger shadows on the adjoining garden when the sun is low in the sky, exacerbating the loss of outlook already referred to.
15. To conclude on this issue, I find that the revised scheme has, at the very least, an unacceptable impact on the living conditions of the occupiers of 40 Rawdon Road in terms of outlook. This brings the development into conflict with Policy HDG2 of the SPD and GP5 of the UDP which seek, amongst other things, to protect the amenity of neighbouring residents.

Other matters

16. I am aware that the appellant had some personal difficulties during the construction of the extensions and that there were problems with the first two contractors. However, personal circumstances will seldom outweigh more

general planning considerations. In this case, those circumstances do not outweigh my concerns as set out above.

Conclusion

17. For the reasons given above I conclude on balance that the appeal should be dismissed.

Caroline Jones

INSPECTOR