
Appeal Decision

Site visit made on 2 December 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2019

Appeal Ref: APP/N4720/D/19/3237203

48 Leasowe Avenue, Hunslet, Leeds LS10 2HP

- 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 Ahmed Osmani against the decision of Leeds City Council.
 - The application Ref 19/04124/FU, dated 3 July 2019, was refused by notice dated 29 August 2019.
 - The development proposed is the part two storey and part single storey extension to rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the Council's decision notice for completeness as the description on the application form did not refer to the single storey element of the proposed extension.

Main Issue

3. The main issues in this appeal are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of the occupants of No 46 Leasowe Avenue with particular regard to outlook and No 70 Leasowe Avenue with particular regard to outlook and overshadowing; and
 - The living conditions of the occupants of the appeal property with particular regard to external amenity space.

Reasons

Character and appearance

4. The appeal building is a 2-storey terrace house located within a row of similar properties. To the side of the house is a pedestrian passageway which links Leasowe Avenue to a courtyard area surrounded by other properties. None of

the other houses along the terrace row have been extended creating a distinct uniformity to the building group.

5. The proposed extension would project out along the passageway and at 2-storeys, albeit stepped down from the ridgeline, it would be a dominant built form. It would extend significantly into the rear garden of the host property and result in a very small section of garden being retained. The appellant says that the extension would be less than 50% of the original property, and therefore, would not represent over development. However, the extent of physical projection, combined with the limited extent of retained garden space would, in my view, appear as a disproportionate addition on this property. Seen from both the passageway and courtyard, the proposal would erode much of the host property's garden in an excessive and harmful manner. The starkness of which, would be emphasised due to the lack of other extensions on the terrace group.
6. On the first main issue, I conclude that the proposal would significantly harm the character and appearance of the area. The proposal would therefore fail to comply with the requirements of Policy P10 of the Leeds City Council Core Strategy (CS) adopted 2014, saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (UDP) (Review 2006) and the Householder Design Guide Supplementary Planning Document (SPD) April 2012. Collectively, amongst other things, these seek to ensure that alterations are of an appropriate scale and design to the existing building and the wider context.
7. Policy P10 of the CS and policies GP5 and BD6 of the UDP are consistent with the provisions of the National Planning Policy Framework (the Framework). I therefore conclude that the proposal conflicts with section 12 of the Framework which broadly seeks to secure high quality design.

Living conditions (No 46 and No 70 Leasowe Avenue)

8. I recognise that the proposed extension would be stepped down from the main ridgeline, incorporates a single storey lean-to element adjacent to No 46 Leasowe Avenue (No 46) and is separated from No 70 Leasowe Avenue (No 70) by the passageway. However, even with these features, due to the close physical relationship to No 46 and No 70 the proposed extension would result in a dominant built form from the gardens and rear windows of these neighbouring properties. Due to the small size of the gardens and close relationship between the neighbouring properties this would, in my view, appear unduly oppressive and create a sense of enclosure that would harm the outlook from both No 46 and No 70.
9. With regards to overshadowing, due to the position of the proposal with the garden of No 70 there is a risk of shadowing effects at certain times of the day. However, I have no substantive evidence before me as to the extent of any such effects. Considering the orientation, height of the sun, location of the passageway and height to ridgeline of the proposed extension, any shadowing is not likely to be substantial overall.
10. I therefore conclude on the second main issue, that based on my findings on outlook, the proposed extension would harm the living conditions of the occupiers of No 46 and No 70. It would therefore fail to comply with the requirements of Policy P10 of the CS, policies GP5 and BD5 of the UDP and the

Householder Design Guide SPD which, amongst other things, seek to secure a good standard of living conditions for existing residents.

Living conditions (the appeal property)

11. The proposed extension would occupy a significant proportion of the rear garden. This would leave little in the way of meaningful useable outdoor amenity space and there is little to the front that would serve a similar function. I recognise that the proposed extension would create additional internal living space. However, the resulting lack of external amenity space would not be commensurate with the use and function of this family home.
12. I understand that extending the property might meet the appellant's need for increased accommodation and that this would be an affordable way of providing additional living space. However, personal circumstances will seldom outweigh more general planning concerns. Moreover, the particular circumstances of the occupants will change over time, whereas the development would be permanent.
13. In this respect the proposal would result in significant harm to the living conditions associated with the appeal property with particular regard to external amenity space.
14. I therefore conclude on the final main issue that the proposal would fail to comply with the requirements of Policy GP5 of the UDP and the Neighbourhoods for Living a Guide for Residential Design in Leeds Supplementary Planning Guidance (2003) which, amongst other things, seek to secure a good standard of living conditions for future residents.

Other Matters

15. I note the appellant's comments regarding the advice offered by the Council when purchasing the property. However, any advice given prior to the application stage is informal advice that is given without prejudice to the Council's final decision. It has also been put to me that this type of extension is normally granted by other Council's, however no substantive evidence has been put before me on this matter. In any event, it falls to me to assess the merits of the development proposed and, in light of my findings, I find harm as described.
16. I recognise that there were no objections to the proposal from the occupants of neighbouring properties. Moreover, I agree that there is sufficient distance to the properties opposite so as not to harm the living conditions of the occupants of those properties. Nonetheless, the absence of objection and harm in this respect does not outweigh the harm I have previously identified.

Conclusion

17. For the above reasons, and having had regard to all matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR