



Appeal Decision

Site visit made on 25 November 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2020

Appeal Ref: APP/N4720/W/19/3236878

63 Hall Park Avenue, Horsforth LS18 5LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Eve Dunn against the decision of Leeds City Council.
 - The application Ref 19/00379/FU, dated 23 January 2019, was approved on 17 June 2019 and planning permission was granted subject to conditions.
 - The development permitted is a first floor rear extension, single storey side extension, porch to front and rendering of elevations.
 - 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 Issue

2. Planning permission has been granted for a first floor rear extension, single storey side extension, porch to front and rendering of elevations at 63 Hall Park Avenue. It is subject to a condition (No 2) which requires the proposal to be built in accordance with an approved schedule of plans.
3. Whilst the appellant has not specifically referred to condition 2 in the appeal form, their accompanying statement provides the planning history and references a superseded proposal which the appellant is seeking to revert to as their preferred alternative proposal. I am therefore considering the appeal on this basis.
4. In the context of the above, I consider that the main issues are (i) whether or not the alternative proposal would be acceptable in planning terms in the context of local and national planning policies and (ii) if not, whether or not condition No 02 of planning permission Ref No 19/00379/FU is reasonable and necessary in order to define the scope of the planning permission.

Reasons

Alternative Proposal

5. The appellant has submitted one set of plans as part of the appeal. It is not certain whether such plans are those that were approved by the Council or if they are plans that were superseded. However, I do note that the list of

drawing numbers as provided by the appellant uses the word 'revision'. There is clearly a degree of uncertainty and this in itself means that I cannot properly determine the appeal.

6. If the plans are in fact those that were approved by the Council (i.e. amended/revised plans), it would seem that the appellant is looking to make changes to the approved development to allow some additional two storey development where single storey development has been approved. If the plans are those that were approved by the Council, and not the superseded plans, then I do not have detailed elevation plans showing what the alternative proposal would like. There does seem to be a hatched layout plan, but it is not certain whether I have a full complement of plans. Given this uncertain position, I have not been able to determine the appeal against relevant local and national planning policies.

Condition 2

7. In the context of the above, I consider that the existing condition is reasonable and necessary in order to ensure that the development is constructed in accordance with the approved plans. Indeed, the existing condition meets all of the six tests set out in paragraph 55 of the National Planning Policy Framework and should therefore remain unaltered.

Conclusion

8. For the reasons outlined above, and taking into account all other matters raised, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR