
Appeal Decision

Site visit made on 9 March 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2020

Appeal Ref: APP/N4720/D/19/3241651

66 Shaftesbury Avenue, Lidgett Park, Leeds LS8 1DS

- 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 David Powell against the decision of Leeds City Council.
 - The application Ref 19/04525/FU, dated 19 July 2019, was refused by notice dated 13 September 2019.
 - The development proposed is a one and a half storey side extension with raised patio to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a one and a half storey side extension with raised patio to rear at 66 Shaftesbury Avenue, Lidgett Park, Leeds LS8 1DS in accordance with the terms of the application, Ref 19/04525/FU, dated 19 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drg No p2_01; Block Plan Drg No p2_02; Existing Plans Drg No p2_03; Existing Elevations Drg No p2_04; Proposed Plans Drg No p2_05; Proposed Elevations Drg No p2_06; and 3D Sketches Drg No p2_07.
 - 3) No development above ground level shall commence until details and samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted, and details of the windows and doors, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and samples.

Main Issue

2. The main issue in the appeal is whether or not the proposal would preserve or enhance the character or appearance of Roundhay Conservation Area.

Reasons

3. The appeal property is a semi-detached Victorian Villa with a larger than average side garden and mature vegetation along its boundaries. It is located on a tree lined road that is predominantly residential in character. Although varying in design, the majority of housing on the road consists of similar villas with a gable in the front roof plane being a common characteristic to them.

However, the road also contains some housing from other periods including some inter-war semi-detached houses located adjacent to and opposite, the appeal property.

4. The property is located in Roundhay Conservation Area – a large conservation area that covers an historic park and the residential development on its fringes. The Roundhay Conservation Area Appraisal (2004) (CAA) indicates that the residential area is probably the largest area of superior late Victorian, Edwardian and inter-war housing in the region which is surviving in a relatively unaltered and uninterrupted state. It is also unusual in being a suburb built around a late Georgian park. The area's association with a number of important local families also gives historic significance to the conservation area.
5. The CAA identifies the appeal property, along with many of the other villas on Shaftesbury Avenue, as a positive building in the conservation area. The house currently has a conservatory on the side elevation which would be removed as part of the proposal. This is an unsympathetic addition that detracts from the character and appearance of the host property and the wider area.
6. The proposed side extension would have a simple contemporary design. However, the materials would match that of the main dwelling and the proportion of brick work to fenestration on the front elevation would reflect the proportions on the main dwelling. In addition, the windows would respect the vertical emphasis found on the main house. Whilst the window on the front elevation, which would continue into the roof plane, would be different in style to the main fenestration, in being reminiscent of a Victorian orangery, it would not be unsympathetic to the host property.
7. The simple design of the extension would contrast with the attractive architectural detailing on the host property. Nonetheless, it would complement rather than detract from the main dwelling, and would ensure that the latter would remain the dominant feature which draws the eye.
8. The pitch of the roof would match that on the house. Whilst this results in the ridge height of the extension being similar to the top of the first floor windows, it ensures that the extension respects the character of the host property, and other properties in the area. Moreover, the height of the extension would remain significantly lower than that of the main dwelling and the width would be less than the width of the house. Together with the set back from the front elevation, I am satisfied that the extension would appear a proportionate and subservient addition to the property.
9. The Council has raised no objection to the raised patio area proposed at the rear. I agree that this would be a modest structure and would not be incongruous in a residential setting. Moreover, the surrounding vegetation would restrict views of it from the public realm.
10. All in all, I consider that the proposal would preserve the character and appearance of Roundhay Conservation Area. Therefore, it would not conflict with Policies P10 and P11 of the *Leeds Core Strategy (adopted 2014)* and Policies GP5, BD6 and N19 of the *Leeds Unitary Development Plan (Review 2006) (adopted July 2006)* which seek to ensure that developments respect the character and appearance of the area, conserve and enhance the historic environment including the character and appearance of conservation areas,

resolve detailed design considerations, and respect the scale, form, detailing and materials of the original building.

11. I note that a similarly sized proposal was dismissed on appeal in 2018¹ and this was, in part, due to concerns over the height and mass of the extension. However, I am also aware that in 2014² and 2016³ two different two-storey side extensions were granted permission. Neither of these schemes were built but the height and mass of both of these was significantly greater than is currently proposed or was proposed in the previous appeal on the site. In the light of this it is clear that, if appropriately designed, side extensions of varying scales and masses can be acceptable on the property. Whilst the appeal scheme may have a similar height and mass to the previous appeal on the property, its design is significantly different in that it includes a window in the front elevation and does not have a glazed link between the house and extension. For the reasons set out above, I consider that the proposal would be an appropriate and subordinate extension to the host property.

Other matters

12. Given the distance that would be maintained to the rear boundary and to the properties located to the rear, I am satisfied that the proposal would not result in any unacceptable loss of privacy to neighbouring occupiers, especially as existing windows on the rear elevation of the house are closer to the properties and boundary than the proposed windows.

Conclusion and Conditions

13. For the reasons set out above, I conclude the appeal should be allowed.
14. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, as this provides certainty. In the interests of the character and appearance of the area a condition is required to control the external appearance of the extension. However, I have combined the 2 conditions suggested by the Council on this matter into one.

Alison Partington

INSPECTOR

¹ Appeal Reference APP/N4720/D/18/3207797

² Application Reference 14/04927/FU

³ Application Reference 16/03822/FU