
Appeal Decision

Site visit made on 25 February 2020 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/N4720/D/19/3243437

22 Denton Avenue, Gledhow, Leeds, LS8 1LE

- 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 Mrs Ambreen Akhtar Yasin against the decision of Leeds City Council.
 - The application Ref 19/05950/FU, dated 24 September 2019, was refused by notice dated 19 November 2019.
 - The development is described as proposed dormers.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Notwithstanding the description of development set out above, which is taken from the planning application form, it is clear from the plans and accompanying details that the description offered by the Council on the decision notice and the appeal documents submitted by both parties of *"Raising roof height; three dormer windows to side; roof lights to other side"* more accurately describes the appeal. The Council dealt with the proposal on this basis and so shall I.
4. Furthermore, while the description states the works are proposed, it was clear from my observations on the site visit and through the Council's Officer Report that the works have already been undertaken. As such, I have proceeded on this basis.

Main Issues

5. The main issues in this appeal are the impacts of the development on:
 - the character and appearance of the host building and street scene; and
 - the living conditions of current and future occupiers of No.24 Denton Avenue with regard to privacy visual impact, and the provision of private outdoor amenity space.

Reasons

Character and appearance of host building and street scene

6. The appeal site comprises a detached, red-brick property with a pitched roof on a corner plot at the junction of Denton Avenue and Denton Grove. The property has been previously extended, with a two-storey rear and two single-storey side extensions evident. Denton Avenue contains a mix of detached and semi-detached houses, with differing external finishes and further variations in roof types, with the pitch of the appeal property mirrored in other detached properties adjacent, while hipped and gable roofs are also common in the street scene.
7. My attention is drawn to the Householder Design Guide Supplementary Planning Document (the SPD), which advises through policy HDG1 that all extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. Particular attention should be paid to the roof form and roof line, among other factors.
8. The roof of No.22 has been altered significantly, with a large dormer to one side facing No.24 incorporating three windows. The overall height of the roof has been raised to accommodate this dormer, which runs nearly the whole length of the extended house. While it is slightly set down from the raised ridge, it is a substantial addition to the roof of the host building, adding significant mass and bulk and lacking subordination. While there is no consistent roof style in the area, the raising of the appeal property's ridge has exacerbated the harm caused by the dormer, which is set nearly flush with the increased height.
9. When viewed from street level, this side of the property now appears as three-storey. The dormer significantly alters the roof form by giving it a dominant and top-heavy appearance. It has also visually unbalanced the building, causing harm to the character and appearance of the building and wider street scene. I note the argument from the appellant that No.24 screens the dormer when viewed from the east. While this may lessen its impact from one direction, during my site visit I found the development to be highly prominent from the front and rear, while views from the east were still possible despite the presence of No.24 and tall trees in its front garden.
10. Furthermore, my attention is drawn to other dormers in the vicinity through photographs provided by the appellant. I did note on the site visit a proliferation of dormers in the street scene, including those to the front of the houses opposite. However, these are much smaller in scale and appear as subordinate additions to their hosts and consequently do not justify allowing development which is harmful to the character and appearance of the host property and street scene when assessed against current planning policy.
11. I therefore conclude that the proposal is contrary to the SPD, policies P10 of the Leeds Core Strategy (CS), BD6 and GP5 of the Leeds Unitary Development Plan Review (UDPR) and advice contained within the National Planning Policy Framework. Collectively, these seek to ensure extensions are of high-quality design and respectful of the original scale of their hosts, including their roof form, while being sympathetic to local character.

Living conditions of occupiers of No.24 and appeal property

12. The dormer includes three windows facing No.24. These are spread from the front of the original roof of the appeal property to the rear of the extended section of the building, while the overall roof height has been raised to accommodate this structure.
13. The SPD advises through policy HDG2 that proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted. Given their elevated position and orientation, the windows afford views into the outdoor amenity space of No.24. Moreover, when viewed from the rear garden of No.24, given its height and bulk, the dormer appears dominant and has a harmful overbearing impact and creates a feeling of enclosure.
14. Further regard is had to the impact of overlooking on the first-floor side windows of No.24. The SPD advises bedroom (secondary) windows, should maintain set distances between the side and boundary of other dwellings. The distance of the dormer windows to both the side of No.24 and the shared boundary fall short of the recommended level of separation in the SPD according to the figures provided by the Council. I note these distances are not in dispute between the main parties and I have no reason to doubt them. I have no information on what rooms or parts of the house these side windows of No.24 serve; however, given the proximity of the dormer to them there is a further loss of privacy as a result of overlooking into those rooms.
15. I acknowledge that because of the height of the windows above ground level, outlook may be restricted. However, I am not persuaded, on the basis of the evidence before me, that the privacy of the neighbouring occupiers, has been maintained. I also acknowledge that rear dormers might be built in certain circumstances without the need for planning permission. However, the development before me is a side dormer requiring planning permission and therefore it is appropriate to assess it in its particular context against relevant planning policies.
16. I note the reference to another side dormer in the area which it is claimed would have a similar degree of impact. However, I have no specific evidence of this, such as plans or if/when it was granted permission. Regardless, each development is assessed on its own merits and I must judge the appeal before me as it is presented.
17. The Neighbourhoods for Living Supplementary Planning Guidance (SPG), states that private gardens for family homes should have a minimum area of 2/3 of total gross floor area of the dwelling, excluding vehicular provision. I note that the Council's calculations in this regard are accepted by the appellant, but it is argued that this shortfall in amenity space is not significant.
18. While it may not seem like a large shortfall, given the resultant six-bedroom house, the amount of amenity space is significantly below even the minimum area which should be expected for both current and future occupants. There is no justification for the lack of outdoor amenity space before me, and while the extension of the indoor living space may provide private benefits, this would not outweigh more general planning concerns. Moreover, the particular circumstances of the occupants will change over time, whereas the development would be permanent.

19. To conclude on this second main issue, as set out above, the proposal results in significant harm to the living conditions of the neighbouring occupiers with regard to privacy, visual impact and provision of outdoor amenity space. Consequently, it fails to comply with the requirements of Policies P10 of the CS, GP5 of the UDPR which seek, amongst other things, to ensure a good standard of living conditions for current and future residents. In addition the proposal is contrary to the SPD and SPG as set out above, and the Framework which seeks a good standard of living conditions for current and future residents.

Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR