
Appeal Decision

Site visit made on 10 February 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2020

Appeal Ref: APP/N4720/D/19/3242041

37 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 G Bartlett against the decision of Leeds City Council.
 - The application Ref 19/03475/FU, dated 5 June 2019, was refused by notice dated 5 September 2019.
 - The development proposed is rear hip to gable conversion.
-

Decision

1. The appeal is allowed, and planning permission is granted for rear hip to gable conversion at 37 Denton Avenue, Gledhow, Leeds LS8 1LE in accordance with the terms of the application Ref 19/03475/FU, dated 5 June 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2556 001; 2556 002; 2556 003; 2556 060; 2556 010.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The appellant has highlighted the fact that the introduction section of the officer's report states that the application is '*thus recommended for approval*' meaning that the Council were minded to approve the original application. However, having read the officer's report I am satisfied that this was nothing more than a typographical error and I have determined the appeal on this basis.
3. I have also noticed that on the decision notice the Council have referred to Policy 'HHDG1'. Similarly, I am satisfied that this too was nothing more than a typographical error and that the Council intended to refer to Policy HDG1 and have determined the appeal accordingly.
4. The appellant has also raised a concern regarding the Council's handling of the case, and their perception that there was an inconsistent application of planning rules. However, this is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

5. I am also aware that a Certificate of Lawful Use application for a development very similar to that being proposed in this case has been refused by the Council and as a result is currently subject to a related planning appeal (ref APP/N4720/X/19/3243457). However, this is not something for me to consider as part of this s78 appeal which is a separate case that I have determined on its own merits.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on the living conditions of the occupiers of no. 39 Denton Avenue having particular regard to matters of light and outlook.

Reasons

Character and Appearance

7. The appeal property is a two-storey dwelling with a red-brick façade the roof of which has a gable-end facing the front with its rear being hipped in design. The property also has a 1.5 storey extension to the rear with a partial sloping and partial flat-roof configuration. Overall the design of the appeal property is not typical of the surrounding area with most other properties (whilst comprising a mixture of detached and semi-detached two storey dwellings) either having a more standardised double 'hipped' or 'gable' roof configuration. The proposal would re-configure the roof of the appeal property's existing rear extension to convert it from being a 'hipped' design to a 'gable' design meaning that its height would be increased at one end to accommodate an additional bedroom on the first floor.
8. By converting the sloping roof of the current extension to a 'gable' configuration I consider that the proposal would give the appeal property a more symmetrical design that would be more typical and less at odds with the character of the area. The proposal would also replace the garage door on the elevation facing Roper Grove with a new window, and whilst I note that this would not be similar to those on the rest of the appeal property, I consider that it would be in keeping with the fenestration details on neighbouring properties (e.g. no. 34 Roper Avenue) and also the mix of styles within the surrounding area. Accordingly, for these reasons in combination with the fact that the proposal would be subservient in appearance to the original dwelling I find that it would not have an adverse visual impact despite it being in a somewhat prominent location at the junction of Roper Grove and Denton Avenue.
9. I therefore conclude, on this main issue that the proposed development would not unacceptably harm the character and appearance of the area and as a result would accord with Policy P10 (i) of the Leeds Core Strategy (adopted November 2014) (LCS), Policy HDG1 of the Householder Design Guide Supplementary Planning Document (adopted April 2012) (SPD) and saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (adopted July 2006) (UDP), which aim to ensure that new development is appropriate to its context and respects the character of its wider locality, amongst other considerations.

Living Conditions

10. The proposal would increase the height of the rear end of the sloping roof to the current extension thereby also increasing its massing which in the Council's view would lead to a substantial and unacceptable increase in the loss of light to the rear garden, living room window and kitchen window of the neighbouring property (no. 39 Denton Avenue).
11. However, based on the evidence before me even though the proposal would result in a slight increase in the loss of light to the rear garden of no. 39 from mid-to-late afternoon I consider that it would not be substantial enough to cause unacceptable harm. Similarly, whilst there would also be a slight increase in the loss of light to the kitchen window of no. 39, this would only occur during a very short period in the early evening and consequently I also consider that this would not be substantial enough to cause unacceptable harm. Furthermore, the submitted evidence also shows that there would be no additional loss of light to the rear living room window of no. 39 at any time of day during mid-summer than is currently the case. Consequently, I find that the proposal would not have an adverse impact on the occupiers of no. 39 in relation to overshadowing that would unacceptably harm their living conditions.
12. In relation to outlook, the proposal would comply with the 45 degree rule set out within the SPD (as acknowledged by the Council) and whilst the proposal would be close to the shared boundary, it would not be so close as to appear overbearing or create a sense of enclosure for the occupiers of no. 39 when viewed from either the living room or kitchen windows. As a result, I find that the proposal would not have an adverse impact on the occupiers of no. 39 in relation to loss of outlook that would unacceptably harm their living conditions.
13. I therefore conclude on this main issue that the proposed development would not unacceptably harm the living conditions of neighbouring occupiers having particular regard to matters of outlook and light. Accordingly, it would comply with Policy P10 (iii) of the LCS, Policy HDG2 of the SPD, and Policies GP5 and BD6 of the UDP which aim to protect residential amenity, amongst other considerations.

Other Matter

14. A concern has been raised by the occupier of no. 34 Roper Avenue in relation to potential loss of privacy resulting from the proposed development. However, the Council did not raise any concerns in relation to this matter and as a result I have not considered it further.

Conditions

15. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. I have also imposed a condition requiring the use of matching materials in the interests of the character and appearance of the area.

Conclusion

16. For the reasons set out above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR