
Appeal Decision

Site visit made on 30 June 2020

by Matthew Birkinshaw BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 July 2020

Appeal Ref: APP/N4720/D/20/3246889

2 Lee Orchards, Boston Spa, Wetherby, LS23 6BJ

- 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 James Locke against the decision of Leeds City Council.
 - The application Ref 19/03183/FU, dated 22 May 2019, was refused by notice dated 16 December 2019.
 - The development proposed is a ground and first floor extension to existing property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and whether or not it would preserve or enhance the character or appearance of the Boston Spa Conservation Area.

Reasons

3. The appeal property is located on the corner of Lee Orchards and High Street. In this location the side elevations and parts of the rear-facing roof slope are visible within the public domain.
 4. Following revisions made to the appeal proposal the ridge height of the rear extension would be set down below the ridge level of the host property. However, the difference would only be approximately 0.3m. Combined with the depth and width of the extension, which would measure roughly 3.4m by around 6.5m, the significant size, scale and bulk of the scheme would represent an unsympathetic and incongruous addition to the rear elevation.
 5. Furthermore, to prevent any harmful overlooking of the neighbouring garden at no.4 Lee Orchards, a narrow, high-level dormer is proposed on the north-facing roof slope of the rear extension. The size, shape and position of the dormer would result in an awkward and convoluted appearance. It would be directly at odds with the Council's guidance on dormer windows set out in the *Leeds Householder Design Guide*, which, amongst other things, requires dormers to maintain and respect the features of the existing house and its appearance. Although the proposal is intended to create a traditional 'T-shaped' bungalow, the size, scale and design of the rear extension would be harmful to the character and appearance of the host property.
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6. Due to the location of the appeal property some views of the rear extension would be possible from High Street. The traditional appearance of buildings along High Street makes a positive contribution to the character of the Boston Spa Conservation Area and is part of its significance as a designated heritage asset. When viewed in this context, the large, unsympathetic addition to the host property would also detract from the character and appearance of the immediate surrounding area. Although the harm to the significance of the conservation area would be less than substantial, and the proposal would not interrupt any key views, it would nonetheless still be material. Based on the evidence provided this harm would not be outweighed by any public benefits, including the removal of the existing box dormer.
7. In considering the visual impact of the appeal proposal I have taken into account that it would be partially screened by a combination of the existing boundary and the large mature trees in the appellant's garden. However, glimpses of the rear extension would still be possible from High Street, especially during the winter months when the trees are not in leaf. Views of the scheme would also be possible from Lee Orchards in between existing properties. The combination of boundary treatments, trees and the adjacent hardware store would not be sufficient to mitigate the visual impact and appearance of the proposal.
8. Reference has also been made to properties with similar roof profiles and dormer windows elsewhere in Boston Spa. But the houses on Westwood Way and Primrose Lane are not located on prominent corner plots in the Conservation Area. The circumstances are therefore materially different to the appeal site. Moreover, whilst some alternations could be carried out under permitted development rights, this does not justify granting planning permission for the proposal before me.
9. I therefore conclude that the proposed rear extension would fail to respect the character and appearance of the host property and fail to preserve or enhance the character or appearance of the Boston Spa Conservation Area. As a result, it conflicts with Policy BD6 of the *Leeds Unitary Development Plan Review* ('LUDPR') which requires alterations and extensions to respect the scale, form, detailing and materials of the original building. The proposal also conflicts with LUDPR Policy N19 which states that all new buildings and extensions within conservation areas should preserve or enhance the character or appearance of the area. Of the development plan policies referred to by the Council, these are the most relevant. It is also contrary to Policy HDG1 of the *Leeds Householder Design Guide Supplementary Planning Document* which states that all extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and locality.

Other Matters

10. The Council has not raised any concerns regarding the alterations to the front and side of the property. Based on the evidence provided and observations at my site visit I have no reasons to disagree. However, the appellant has not indicated that these aspects of the scheme are severable from the rear extension, or that they would wish to implement them in isolation. I have therefore determined the appeal on this basis.

11. The proposed development would also improve the appellant's living conditions by increasing the size of the house and bringing it up to modern standards. In addition, I recognise that amendments were made to the scheme in accordance with comments from the Planning Officer, and that neither the Council nor local residents have raised any objections regarding privacy, outlook, sunlight or daylight. Nevertheless, these factors do not justify allowing the appeal given the harm that I have identified or outweigh the conflict with adopted development plan policy.

Conclusion

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

Matthew Birkinshaw

INSPECTOR