
Appeal Decision

Site visit made on 11 August 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/N4720/D/20/3254116

2 Sandringham Drive, Tingley, Wakefield WF3 1FF

- 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 Glen Thompson against the decision of Leeds City Council.
 - The application Ref 20/00713/FU, dated 4 February 2020, was refused by notice dated 24 March 2020.
 - The development proposed is the demolition of a single storey garage and erection of two storey extension with hipped roof.
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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.

Preliminary Matter

3. The appellant disputes the relevance of Policy GP5 of the Leeds Unitary Development Plan (Review - 2006) (the UDP) in relation to the proposal which, it is contended, applies only to larger schemes for multiple dwellings. However, while many of the matters listed in the policy do not relate to this particular proposal, the design and amenity aspects listed in the policy are relevant. I have therefore determined the appeal accordingly.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the host dwelling and street scene, and on the living conditions of occupiers of No.1 Unity Hall Court with regards to potential overlooking.

Reasons

Character and appearance

5. The appeal site comprises a two-storey, detached dwelling with a single-storey attached garage to the front set at a 90° angle. The property is located at the end of a cul-se-sac which fronts Haigh Moor Road and forms part of a larger housing estate which is then set behind the cul-de-sac and an area of open space.

6. My attention is drawn to the Householder Design Guide Supplementary Planning Document (the SPD), which states front extensions will not normally be acceptable. This is due to the front of the house being the most visible and prominent part of the building and its role in defining its character.
7. While I appreciate the ridge of the proposed roof would fall below that of the host property, the two-storey extension would otherwise add substantial mass and bulk to the front of the dwelling in a prominent and highly visible location. Due to its scale and overall massing, this proposal would not be a subordinate addition and as such would dominate and thereby cause harm to the character and appearance of the host building.
8. A defining characteristic of Haigh Moor Road is its openness. Houses on both sides, despite being of differing architectural styles and ages, generally have a generous set back from the road. This sense of openness is reinforced by the area of green open space to the other side of the access to Sandringham Drive, and the established pattern of development in terms of the well-defined building line of houses along this road. While the garage to the front of the appeal property is already somewhat contrary to this, the addition of built form at first floor level would erode the sense of openness, despite the use of matching materials, and would appear as an imposing feature in the area.
9. I note the side wall of the existing garage is in alignment with the front elevation of 1 Unity Hall Court, which is located forward of the established building line and closer to the road than other dwellings in the area. While this may be the case, this property, and every other along the road, fronts the road while the proposed extension would introduce a two-storey gable end to the street scene. This would be at odds with the established pattern of development and form a stark addition to the street scene.
10. I observed the landscaping to the front of the cul-de-sac which forms the boundary with the footway lining the road. However, this consists of a low hedgerow with trees behind which are sited sporadically along the boundary. Furthermore, while No.1 Unity Hall Court would screen part of the development from the other direction, it is demonstrated in the appellant's evidence at Figure 9 that even in its current single storey form the garage is clearly visible in the street scene. This would become more apparent were its scale to increase as proposed. As such, neither element would mask the development from view as alleged and would not mitigate the harm I have identified to the street scene caused by the development.
11. To conclude on this first main issue, the proposed development would have an adverse effect on the character and appearance of the host property and the street scene. The proposal would therefore be contrary to the SPD, policy P10 of the Leeds Core Strategy (CS) and policies BD6 and GP5 of the UDP. Collectively these seek to ensure the size, scale and design of the development is appropriate to its context and respects the character and quality of surrounding buildings and the streets and spaces that make up the public realm. The application would also be contrary to the design aims of the Framework which seeks development which will function well and add to the overall quality of the area.

Living conditions of occupiers of No.1 Unity Hall Court

12. The first floor of the proposed extension includes two windows on the side elevation facing the gable end of No.1 Unity Hall Court. The SPD states that windows which directly overlook neighbouring gardens or cause conflict with existing windows at close quarters will not be permitted. I note one of these new openings would serve an en-suite bathroom and would be obscurely glazed in line with guidance in the SPD.
13. The appellant has submitted photographs demonstrating the potential views from the other new window towards the side elevation of 1 Unity Hall Court. I observed boundary treatments between the two properties which included a fence and hedging, the latter of which is apparently to a height of 4m. However, this is not a permanent feature. Were it to be cut back or removed, the proposed new, unobscured window would have clear views into the neighbouring garden. Moreover, the photo demonstrates that the window would have clear views overlooking the side amenity space of the adjacent property which includes a ground floor window. As such, there would be harm to the living conditions of occupiers of 1 Unity Hall Court with regards to overlooking. The lack of objection to the proposal from these occupiers, or other local residents, does not weigh in favour of the proposal.
14. I note the suggestion that this issue could be overcome by amending the proposal with an oriel or bay window option which would be partially obscured and secured by planning condition. However, there are no amended plans before me and, as I am dismissing the appeal, a condition would not overcome the harm I have identified on this and the other issue.
15. To conclude on this second main issue, the proposal would have a harmful effect on the living conditions of 1 Unity Hall Court due to overlooking caused by the proposal. This would be contrary to the SPD and policies P10 of the CS and GP5 of the UDP. Collectively these seek, among other aims, to maintain residential and general amenity of the area including by protecting and enhancing privacy. The proposal would also be contrary to the aims of the Framework, which seeks to ensure a high standard of amenity for existing and future users.

Other Matters

16. My attention is drawn to other applications, such as that at 132A Haigh Moor Road. I have little detail on this development. However, while this approved dwelling may be larger than the resulting property at the appeal site, houses in this area are generally larger and set in bigger plots. Moreover, it does not include a two-storey front extension with its gable facing the road. I am also advised of 9 Moorfield Court, which is of the same house type as the appeal property built by the same developer and has a two-storey front extension. While there are similarities between this and the appeal proposal, I note that imagery shows this property is orientated around the circular end of a cul-de-sac rather than facing a road and there appears to be little other indication of a similar pattern of development such as that on Haigh Moor Road around the appeal site. As such neither is directly comparable to the scheme before me.
17. I note the benefits the additional living space would create for the family occupying the appeal property, such as home working and larger bedrooms. However, these would be private benefits and would not outweigh the harm I have identified to the character and appearance of the host property and surrounding area and the living conditions of occupiers of 1 Unity Hall Court.

18. Whilst I acknowledge the appellant's frustration that issues could not be resolved between themselves, and the Council prior to the appeal being lodged, I can only deal with the appeal on the basis of the evidence before me.

Recommendation

19. 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

20. 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