



Appeal Decision

Site Visit made on 5 October 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/N4720/D/20/3256698
77 Smalewell Road, Pudsey LS28 8JH

- 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 and Mrs Barlow against the decision of Leeds City Council.
 - The application Ref 20/01949/FU, dated 25 March 2020, was refused by notice dated 17 June 2020.
 - The development proposed is a porch to the front elevation and part extension to a detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for a porch to the front elevation and part extension to a detached garage at 77 Smalewell Road, Pudsey LS28 8JH in accordance with the terms of the application, Ref 20/01949/FU, dated 25 March 2020, 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: 19-132-01A; 19-132-03A; 19-132-04; 19-132-05; and, 19-132-07A.

Preliminary Matters

2. On the appeal form, the appellant is listed as Mrs Helen Barlow. Mrs Barlow did not make the planning application that was subsequently refused by the Council. However, from the information on file I am satisfied that Mrs Barlow made the appeal with the full knowledge of her husband, Mr Wayne Barlow, who made the original application. Consequently, I have listed both as the appellants in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is located in a predominantly residential area containing a range of different housing types and designs. The appeal property comprises two distinct elements: a 2-storey, end-of-terrace dwelling and a separate, single-storey concrete panel garage to its east.

5. The appeal dwelling is located within a short, traditional, stone terrace, which contains two other dwellings, Nos 79 and 81, towards its western end. The terrace has a generally traditional appearance and a largely unaltered front elevation. It is positioned at a slight angle to Smalewell Road, meaning that the small front gardens of the three dwellings increase in depth from west to east.
6. The appeal dwelling has been extended to the side and is the largest of the three dwellings, comprising around 50% of the terrace. Its front boundary is marked by a stone wall, with a hedge some 1.8 metres high behind it, which also extends along its two sides and screens much of the ground floor and front garden.
7. To the east of the appeal dwelling and separated from it are two single-storey concrete garages, with a tarmac area for vehicles to be parked to their front, next to the footpath on Smalewell Road. The garage that is the subject of this appeal is the eastern one, located next to a large detached dwelling, No 69.
8. The proposed porch would be gable-fronted and around 3 metres tall, on the western-central part of the dwelling. It would project some 2 metres from the front elevation, with a width of some 2.9 metres, and would be constructed in materials to match the existing dwelling. The porch would create a new entrance to the front, with the existing doorway replaced by a window and stonework.
9. Part of the proposed porch would be screened behind the boundary hedges, which already disrupt the appearance of the front elevation of the terrace somewhat. Nevertheless, the porch would be an obtrusive feature on the front elevation of the building and would be out-of-keeping with the other dwellings in the terrace.
10. However, I am mindful that a porch of the same height and projection from the front elevation, although less wide so as to have a floor area of no more than 3 square metres, would be permitted development¹. Such a porch would have a very similar visual impact on the front elevation of the terrace as the proposed porch.
11. There is nothing in the evidence that suggests that there is not a real prospect of such a porch being constructed at the appeal dwelling, were this appeal to be dismissed. As such I give substantial weight to the fallback position of permitted development.
12. The scale, massing, siting and materials of the two single storey garages make them visually distinct from both the stone terrace to the west and the extended detached dwelling to the east. The proposed extension to the easternmost garage would widen its front and bring it closer to Smalewell Road, whilst not affecting the existing parking provision. It would also extend along the eastern side elevation.
13. In views from the front, the proposed development would mean that the easternmost garage would be somewhat wider and closer to Smalewell Road than the western garage. However, its design, scale, massing and materials would not be significantly different to the western garage and would not be out of keeping with this part of the streetscene.

¹ Class D, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

14. In views from the west the boundary hedges at the appeal property would screen it from view, whilst from the east, it would have a generally similar appearance to the existing eastern garage, when not screened by vehicles in the curtilage of No 69.
15. For these reasons, the proposed garage extension would have an acceptable impact on the character and appearance of the area. It would not conflict with Policies GP5 (general development requirements) and BD6 (alterations and extensions) contained in the Leeds UDP Review 2006, with Policy P10 (design) of the Leeds Core Strategy 2014² or with the National Planning Policy Framework 2019 (the Framework).
16. The proposed front porch would adversely affect the character and appearance of the area and would conflict with these same development plan policies and with the Framework. However, its visual impact would be very similar to what would be allowed as permitted development. This is a material consideration which, in this case, outweighs the conflict with the development plan (and the Framework) and means that this aspect of the appeal should be determined otherwise than in accordance with the development plan. Consequently, with reference to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the appeal is allowed and planning permission granted.

Conditions and Conclusion

17. The Council has suggested a number of conditions be attached to any grant of planning permission, should the appeal be allowed, which I have considered in light of Government guidance and amended accordingly.
18. In addition to the standard commencement condition, a condition specifying the approved drawings would be necessary for reasons of certainty.
19. However, a condition requiring the materials to be used for the external surfaces to match those of the host buildings would not be necessary, given the annotation on the approved drawings.
20. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is allowed.

Andrew Parkin

INSPECTOR

² As amended by the Core Strategy Selective Review 2019