
Appeal Decision

Site visit made on 8 December 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/N4720/D/20/3259991

34 Hartley Avenue, Woodhouse, Leeds LS6 2LP

- 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 Peter Horne against the decision of Leeds City Council.
 - The application Ref 20/02118/FU, dated 14 June 2019, was refused by notice dated 1 July 2020.
 - The development proposed is retrospective application for alterations to the roof, including the addition of walls with windows to the front, side and rear elevations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development from the appeal form as this describes the proposal concisely.
3. At the time of my site visit it was evident that the building work had taken place and therefore I am considering this appeal retrospectively.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and the area.

Reasons

5. Hartley Avenue is characterised by a mix of house types. Dwellings are mainly of brick construction and are sited close to the road frontage.
6. The appeal property is part of a group of five pairs of semi-detached houses with gable elevations facing Hartley Avenue. There are variations in the elevations of each property, however, the front facing gable roof detail is a unifying feature of the properties which is prominent within the street scene.
7. The roof at the appeal site has been altered by extending the front, side and rear walls of the dwelling upwards to provide a flat roof dormer style extension in the side roof slope of the dwelling.
8. The roof extension is a prominent, unsympathetic addition which dominates the roof plane of the appeal property and unbalances the symmetry between the pair of semi-detached houses. It contrasts with the form of the roofs on most

- of the adjacent properties and is visually harmful to the external appearance of the host building because of its size and scale and its effect on the shape of the building. Although it would be set down from the ridgeline, this concession is not sufficient to mitigate against the scale of the extension, the loss of the eaves line or its box-like appearance.
9. The appellant asserts that the roof extension is similar to others within the local area and I have noted the examples of development within the roof on nearby sites provided by the appellant. During my site visit I observed that there are dormer windows on many other properties within the area. Some of these are designed as part of the original building but others are additions to the roof. However, in general, these are smaller than the roof extension at the appeal site, retain the ridge and eaves line and/or are situated on properties with a simpler roofscape, without a front facing gable.
 10. However, I appreciate that the roof extension at No 30 is very similar and that the appellant saw the construction of the adjacent development as setting a precedent for such extensions. The Council indicates that the roof extension at No 30 does not have planning permission. Even if that is not the case, the presence of that example does not dictate that harmful development should be allowed.
 11. I accept that the roof extension has been in place for some time. However, this does not lead me to a different conclusion on the main issue.
 12. Overall, I conclude that the development detracts from the character and appearance of the host property and the area in conflict with Policy P10 of the Leeds Local Development Framework Core Strategy adopted November 2014 and saved Policy GP5 of the Leeds Unitary Development Plan Review 2006 (UDP) which together seek to protect the character and quality of streets. It would also conflict with the National Planning Policy Framework where it seeks to ensure that development is visually attractive as a result of good architecture.
 13. The Council also refers to Policy BD6 of the UDP which seeks to ensure that the scale and form of extensions respect the original building and Policy HDG1 of the Leeds City Council Housing Design Guide Supplementary Planning Document April 2012 (SPD) which among other things seeks to ensure that extensions respect the scale, form, proportions and character of the main dwelling paying particular attention to the roof form and roof line. I conclude that the development would also conflict with Policy BD6 and the SPD guidance.
 14. The Council includes Policy HDG2 of the SPD in its reason for refusal. This policy seeks to ensure that development protects the amenity of neighbours and is not relevant to the consideration of the main issue in this appeal.

Other Matters

15. Whether the roof extension is immune from enforcement action is not for me to consider as part of this section 78 appeal.
16. I appreciate that the pandemic has had an impact on the appellant's business and income; it may also affect the future tenancy of the property. While this is regrettable, as the appellant acknowledges, this is not a matter for me to consider here.

Conclusion

17. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR