



Appeal Decision

Site Visit made on 26 October 2020 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/N4720/D/20/3259641

11 North Broadgate Lane, Horsforth, LEEDS, LS18 5AF

- 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 & Mrs James & Liz Webber against the decision of Leeds City Council.
 - The application Ref 20/0247/FU, dated 28 April 2020, was refused by notice dated 17 August 2020.
 - The development proposed is a two storey side and part two storey / single storey rear extension plus loft dormer.
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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.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of 11 North Broadgate Lane and whether the proposal would preserve or enhance the character or appearance of the Horsforth Conservation Area.
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to outlook and visual impact.

Reasons

Character and appearance

4. 11 North Broadgate Lane is located within the Horsforth Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The significance of the Conservation Area is derived from the historic origins and development of the settlement including its street patterns. Its character is also partly derived from simple traditional architecture and detailing, and the use of local building materials.

5. The appeal property is a detached two storey, stone-built dwelling with attached single storey garage to the side, set back from the road and elevated from it, so that it is prominent in the street scene. Both the Council and the appellant agree that the host property is a positive building in the CA, with a simple form and pitched roof with two gable ends.
6. My attention has been drawn to the Householder Design Guide Supplementary Planning Document (the SPD), which advises through policy HDG1 that all extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.
7. The proposal would include an additional storey over the existing flat roofed garage to the side elevation. This part of the extension would be set down from the ridgeline of the dwelling and would have a hipped roof with a long slope to one side such that the eaves at the front/rear and side would be of different heights. The proposal also incorporates a sizeable two storey rear extension, which would be offset from the existing dwelling. The resultant complex roof form of these extensions, when viewed from both the front and side elevations, would not reflect the regular pitched roof form of the existing building. In addition, the side elevation would have a contrived, irregular form and massing, in contrast to the existing simple gabled elevation. Windows to the front elevation would not align with those on the existing dwelling.
8. I acknowledge that the side extension has been designed to reduce the impact of the development on neighbouring properties. In addition, I recognise that the side extension would reflect the position of the existing garage, which is not set back from the front elevation. Nevertheless, as a result of its detailed design, the resultant scheme would be out of character with, and would significantly detract from, the simple form and design of the host dwelling. It would thereby appear discordant in the street scene and as such would harm the character and appearance of the CA.
9. For the above reasons, the proposed development would not preserve or enhance the character or appearance of the CA. Consequently, the development would not meet the statutory tests set out in the Act and would conflict with policies P10, P11 of the Leeds Core Strategy (2014), saved policies BD6, GP5, N19 of the Leeds Unitary Development Plan Review (2006) and the aims of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that development respects the scale form and detailing of the original building, preserves or enhances the character or appearance of Conservation Areas and respects the character of the area.
10. The works would affect only part of the Conservation Area and therefore the harm caused to its significance would be less than substantial. The approach in paragraph 196 of the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case no public benefits have been put forward.
11. Whilst I acknowledge the appellants' desire for additional living space, this is a private benefit. It does not outweigh the harm I have identified.

Living Conditions

12. The appeal property is set at a higher level than the neighbouring properties on Chaddlewood Close, which are separated from it by rear gardens which include garage buildings.
13. The SPD advises through Policy HDG2 that development proposals should protect the amenity of neighbours and that proposals which harm the amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted. As a guide, the SPD sets out that a minimum of 12 metres should be maintained between main windows and a blank side elevation and suggests that a further 3 metres should be added for each additional floor above two storey level. The side wall of the proposed extension would be located 12 metres away from facing dwellings on Chaddlewood Close. Whilst the proposal is for a two storey rather than three storey extension it would nevertheless occupy an elevated position in relation to neighbouring properties and as explained in the SPD, compliance with the 12m code does not guarantee approval.
14. I acknowledge that the hipped roof design of the extension would reduce the bulk of the development when seen from the side. Nevertheless, sited in an elevated position above the level of the adjoining gardens, which are limited in size, the bulk and height of the side extension closer to the boundary at first floor level would have an overbearing, enclosing impact when viewed from within the rear rooms and gardens of the adjoining properties. I acknowledge that vegetation would soften views of the extension, although that cannot be relied on as a permanent screen, and that there are some outbuildings to the rear. I also recognise that the properties were built facing the gable wall of the house. Nevertheless, these matters do not persuade me that the proposal is acceptable in this respect.
15. In terms of overlooking, no new habitable room windows would directly overlook the neighbouring dwellings and outlook from a ground floor window would be restricted by boundary treatment. Therefore, I am satisfied that the proposed development would not result in a significant loss of privacy. I also note that due to the orientation of the buildings a degree of shadowing of the neighbouring gardens already occurs. As such, as a result of this, and the separation distance between buildings, I am satisfied that the proposal would not result in excessive additional overshadowing.
16. Nevertheless, for the reasons set out above, the proposal would harm the living conditions of the occupiers of neighbouring properties with regard to outlook and visual impact. In that respect the development is therefore contrary Policy P10 of the Leeds Core Strategy, Policy GP5 of the Leeds Unitary Development Plan (Review) and to the guidance contained within the SPD. Collectively these seek to ensure development protects the visual, residential and general amenity of the area for existing and future users.

Conclusion and Recommendation

17. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR