
Appeal Decision

Site visit made on 9 December 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th January 2021

Appeal Ref: APP/N4720/W/20/3260723

630 Leeds and Bradford Road, Bramley, Leeds LS13 1HH

- 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 Matthew Wheeler against the decision of Leeds City Council.
 - The application Ref: 20/03429/FU, dated 29 May 2020, was refused by notice dated 5 August 2020.
 - The development proposed is the provision of 2no new dormers to roof enclosing existing 2nd Floor accommodation to existing HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of 2no new dormers to roof enclosing existing 2nd Floor accommodation to existing HMO at 630 Leeds and Bradford Road, Bramley, Leeds LS13 1HH in accordance with the terms of the application, Ref: 20/03429/FU, dated 29 May 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: 1701 01 Location Plan, 1701 08 Plan Layout, External Elevations and Section Scheme 4 as Proposed
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 1701 08 Plan Layout, External Elevations and Section Scheme 4 as Proposed.
 - 4) The development hereby permitted shall not be occupied until the windows in the dormer roof extensions in both side elevations have been fitted with obscured glazing to a Pilkington Level 3 or equivalent, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Procedural Matter

2. A number of different versions of the proposed plans have been submitted. The Council made its decision on the basis of proposed plan reference 1701 08. Accordingly, it is this plan that I have considered in my decision.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the building and the area; and (ii) the living conditions of the occupiers of 628 Leeds and Bradford Road (No 628) by way of privacy.

Reasons

Character and Appearance

4. The accommodation in the appeal property extends over 3 storeys and includes the use of the roof space. The property presents a gable ended front elevation to the road. The side elevations contain fairly large unaltered roof planes. The fenestration on the front elevation is near symmetrical, but it is in a less regular form on the side elevations.
5. The appeal property is sited at a slightly lower land level than the road. It is also set back from a neighbouring dwelling at 630A Leeds and Bradford Road. Opposite the site, Bramstan Gardens rises up in levels from Leeds and Bradford Road. The surrounding area is residential in nature and contains dwellings that are in a variety of architectural styles. The appeal property appears relatively inobtrusive in these surroundings.
6. The Council's Householder Design Guide Supplementary Planning Document (2012) (SPD) states that dormer windows should be small and discrete additions which retain the character of the original roof. In this regard, the proposed dormers would constitute modest sized roof extensions. They would be well set back from the front elevation of the property and their diminutive pitched roofs would then angle even further back. As a consequence, they would appear discrete and would not be of a significant size compared to the roof.
7. The proposed dormers would also accord with the SPD as they would leave substantial areas of the original roof retained, be set down from the ridge, up from the eaves, as well as set in from the sides. They would not appear box-like with their pitched roofed design. With their fairly central siting on the roof planes, the alignment with the host property would not be unacceptable.
8. Due to the limited size and mass of the proposed dormers, the amount of glazing would not result in an undue expanse of solid surfacing. The solid to mass ratio would not be out of place compared to that of the existing side elevations of the host property. That the proposed windows would be smaller than those on the lower levels of the property is a reflection of the proportionate size of the dormers.
9. Accordingly, the proposed dormers would not dominate the roof or result in a bulky appearance. Nor would they be highly visible due to their siting back from the front elevation of the host property and the road. Dormers are more an occasional feature rather than a prevailing characteristic of the area. However, with their scale and design, they would not appear incongruous.
10. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the building and the area. As such, it would comply with Saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) (UDP) and with Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019). These policies are

concerned with, amongst other considerations, resolving design as a detailed planning consideration; alterations and extensions respecting the scale, form, detailing and materials of the original building; and that new development should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.

11. The proposal would also comply with Policy HDG1 of the SPD which requires all alterations and extensions to respect the scale, form, proportions and the character and appearance of the main dwelling and the locality, with particular attention paid to the roof form and roofline, as well as window detail, amidst other matters.
12. It would also accord with the National Planning Policy Framework (Framework), including where it concerns achieving well designed places. Under the Framework, it would not constitute poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Living Conditions

13. No 628 is a more modest sized house that is positioned roughly side to side with the appeal property. The house is well set in from the common boundary and in between there is an area which allows for access to a rear garage-like building. There is also vegetation close to the boundary with the appeal property and there are openings on the side of No 628 that face towards this boundary. To the rear, there is an enclosed garden.
14. The proposed dormer on this side of the appeal property would contain a window that would face towards No 628. As the proposed dormer would be elevated, views into this neighbouring property would be largely restricted to the outside areas. Nevertheless, it would likely allow for overlooking of the side access area and an angled view of the rear garden.
15. This window would serve an area at the top of a stairwell access. This, in turn, would provide for access to a bedroom and a living room. Both these rooms would make use of the existing windows in the front and rear gable ended elevations of the appeal property. The window in the proposed dormer is, therefore, of a secondary nature. Thus, it would not be unreasonable for it to be obscurely glazed in order to prevent overlooking.
16. Reference has been made to the Council's Neighbourhoods for Living Supplementary Planning Guidance and the minimum distance between a secondary window and a common boundary. On the basis of the use of the obscure glazing, that the proposal would not accord with this distance would not cause an undue effect on living conditions.
17. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 628 by way of privacy. Hence, it would comply with Saved Policy GP5 of the UDP where it states that proposals should seek to avoid problems of loss of amenity. It would also accord with Policy HDG2 of the SPD as it would protect the amenity of neighbours and not harm the existing residential amenity of neighbours through overlooking.

Conditions

18. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. I have also imposed a condition by way of the external materials as shown on the submitted proposed plan. This is in order to protect the character and appearance of the building and the area.
19. A condition is also imposed with regard to the obscure glazing of the windows in the proposed dormers. This is in order to protect the privacy levels of the occupiers of the closest neighbouring properties.

Conclusion

20. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR