



Appeal Decision

Site visit made on 16 December 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2021

Appeal Ref: APP/N4720/D/20/3260474

25A Harwill Avenue, Churwell, Morley LS27 7QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr D Fitzgerald against the decision of Leeds City Council.
 - The application Ref 20/03873/FU, dated 1 May 2020, was refused by notice dated 24 August 2020.
 - The development proposed is described as the demolition of existing single detached pre-cast concrete sectional garage to front and replacement detached single garage to front.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The title and the initial of the Appellant are taken from the Appeal Form.
3. The Council's Decision Notice refers to Policy BD5 of the Leeds Unitary Development Plan (Review 2006) (UDP). It is understood that this is a typographical error and should instead read as Policy BD6 of the UDP.

Main Issue

4. The main issue is the effect of the proposed development on the character and the appearance of the site and the neighbouring streetscene.

Reasons

5. The site subject to this appeal comprises a detached dwelling with a garden to the front and side in the shape of a long, narrow triangle located in an established residential road in Morley. The dwellings along the avenue are predominantly a mixture of 2-storey detached and semi-detached properties. Most have a driveway to the front or the side and some have garages to the side, either incorporated within the dwelling or freestanding.
6. The garden is adjacent to a gentle inflection in the road such that it is quite prominent to those passing by. A single garage sits in front and to the side of the house facing across it at an acute angle. The existing single garage is quite tired looking with a flat roof but is not particularly intrusive or harmful to the character and appearance of the neighbouring area.

7. The garden is enclosed by quite a high solid wooden fence punctuated with brick pillars although it is understood that this might be unauthorised development. The dwelling sits slightly below the level of the pavement.
8. The development proposal would comprise the demolition of the garage and its replacement with one of larger size and positioned at right angles to the front of the dwelling. It would sit closer to the front boundary and would be about 1.5 metres behind the wooden fence. This proposal represents a reduction in size from an earlier scheme rejected by the Council¹.
9. This re-positioning would allow the Appellant to derive greater enjoyment of the garden which is currently obscured from view from the main public room at the front of the house by the garage. A new gate would hang between the dwelling and the proposed garage.
10. Because of the configuration of the plot the opportunities for positioning the garage closer to the property whilst maintaining a view of the garden from the main habitable room at the front are limited.
11. The proposed garage would be large enough to accommodate a family sized vehicle and other items such as garden tools. It would be appreciably larger than the existing garage.
12. It would be about 3 metres in height with a shallow pitched roof, about 5 metres in width and about 6 metres in length. Because of its width the proposed garage would be positioned further forward in the plot than the existing garage and therefore closer to the wooden fence.
13. The proposal would sit slightly below the pavement level. Nevertheless, due to its proximity to the fence the top third of the side elevation would be very conspicuous from the road. Because of its smaller size the current garage is not as conspicuous.
14. Moreover, because of the inflection of the road, the top part of its rear elevation would also be readily visible to those travelling along the avenue in a south-eastern direction. Furthermore, it would be at odds with the general arrangement along the avenue whereby garages are to the side of, rather than in front of, the host dwelling. Again, it would be considerably more intrusive than the existing garage.
15. Overall, because of its three-dimensional bulk and its position the proposal would dominate views along and across the avenue and would be incongruous to the detriment of the character and appearance of the host building and the neighbouring streetscene. In coming to this conclusion, regard has been had to the constraints imposed by the size and shape of the plot and the visibility of the existing garage.
16. None of the neighbouring occupants objected to the application and some gave support stating that it would help tidy up the area. Nevertheless, whilst a relevant consideration these comments are not determinative of the issue.
17. Thus, for the reasons set out above the proposal would cause harm to the character and the appearance of the host site and the neighbouring streetscene. It would therefore fail to accord with Policy P10 of the Leeds Core

¹ Ref. 20/00272/FU

Strategy 2014 which seeks to ensure that new development is of an appropriate design for its location and of an appropriate scale for its function.

18. It would also conflict with Saved Policies GP5 and BD6 of the UDP which seek to ensure, respectively, that new development is well designed and that alterations should respect the scale of the original building.
19. Finally, the proposal would also fail to accord with the advice handed down in HDG1 of the Council's Householder Design Guide Supplementary Planning Document 2012 that new additions should respect the scale and proportions of the main dwelling and the character and appearance of the locality. Since these principles are consistent with the advice contained in Paragraph 127 (b-c) of the National Planning Policy Framework they are given considerable weight.

Conclusion

20. For the reasons set out above the appeal should be dismissed.

William Walton

INSPECTOR