
Appeal Decision

Site visit made on 12 January 2021 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/N4720/W/20/3261287
102 Smailewell Road, Pudsey LS28 8HU

- 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 Mohammed Ashraf against the decision of Leeds City Council.
 - The application Ref 20/00368/FU, dated 16 January 2020, was refused by notice dated 17 April 2020.
 - The development proposed is the refurbishment of existing house and its attached pool-house into 2 separate properties, forming 2 detached properties.
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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.

Preliminary Matter

3. The Decision Notice references '2 and 4 Westroyd Crescent' in the third refusal reason. From all I have seen and read it is clear that this was a typographical error and for the avoidance of doubt, the relevant section of my assessment of the potential impacts of the proposal was undertaken with regards to No's 2 and 4 Westroyd Gardens.

Main Issues

4. These are the effects of the proposal on:
 - The character and appearance of the appeal site and local area;
 - The living conditions of occupiers of the proposed larger dwelling with regard to outdoor amenity space; and
 - The living conditions of No's 2 and 4 Westroyd Gardens with regards to visual impact and overshadowing.

Reasons

Character and appearance

5. The appeal site comprises a two-storey, detached dwelling with adjoining single-storey pool room. The garden is located primarily to one side, while the 'backland' location means the site is bordered by numerous properties in all directions. There are two vehicular access points; one currently in use from Smalewell Road and another from Westroyd Gardens which is blocked.
6. Houses on Westroyd are primarily dormer bungalows with a regular set-back from the road and from one another. Westroyd Gardens and Smalewell Road also feature dormer bungalows amongst more modern two-storey properties with similar spatial patterns. The rhythm created by the generally regular pattern of development contributes positively to the character and appearance of the area.
7. The proposal would involve separating the pool house from the original dwelling and sub-dividing the plot to form two independent residential units with their own amenity areas. The overall ridge height of the pool house would be retained, although the roof would be extended to the rear and two dormer windows would be added to the front. The disused track leading from Westroyd Gardens would be brought back into use to provide access to the new dwelling. Despite the backland location, the site is clearly visible to neighbouring properties on all sides.
8. The Neighbourhoods for Living Supplementary Planning Document (the SPD) states it is expected that schemes will provide sufficient space around homes for the important element of visual and physical amenity. Moreover, proposals should derive the design of the houses from local context and respond to the local character.
9. The proposed extension to the roof of the pool house would add significant bulk to its appearance, making it top heavy as a result. Moreover, the appearance of the two buildings would be at odds with one another, particularly given their different scale, form and detailed design. Accordingly, the development considered as a whole would not appear visually harmonious. This incongruity would be compounded by the very close proximity of the houses to one another. As such, the new dwelling and the relationship between the two properties would appear at odds with the prevailing character of the area.
10. Furthermore, the smaller dwelling would appear cramped in its plot due to its positioning tight to the rear and both side boundaries. I appreciate that given the backland location the site already differs from other properties in the area as it does not front a road. I also note the reference to gaps between houses on Westroyd and Westroyd Crescent being of similar distances. However, from my observations these spaces exceed that of the appeal site, and the lack of space between the houses would be contrary to the prevailing character of the area. I appreciate the design of the smaller dwelling may have influenced by having regard to nearby properties in order to mitigate any impact from its height. However, to my mind this highlights the limitations of the available space to accommodate the proposal. The resulting dwellings and their respective plots appear contrived as a result.
11. Moreover, the scale of works required to develop the site in the manner proposed does not mean the development as a whole is acceptable. Establishing two independent dwellings with associated amenity space would fundamentally alter the character of the plot to its detriment.

12. To conclude on this first main issue, the proposal would harm the character and appearance of the appeal site and local area. This would be contrary to policies P10 of the Leeds City Council Core Strategy (the CS) and GP5 and BD5 of the Leeds Unitary Development Plan (the UDP). Collectively these seek to ensure, among other aims, the size, scale, design and layout of development is appropriate to its context and respects the character and quality of surrounding buildings and the streets and spaces that make up the public realm.

Living conditions of occupiers of the larger dwelling

13. The proposal to sub-divide the existing plot into two would create two separate garden areas with their own private accesses. I note in this regard the SPD advises as a general guide private gardens for family homes should have a minimum area of 2/3 of total gross floor area of the dwelling excluding vehicular provision.
14. It is agreed between the parties that the resulting amenity space for the smaller property is acceptable. With regards to the larger house there is disagreement as to the calculations and whether the advised provision in the SPD is met.
15. I note the appellant argues the proposed garden would equate to a figure of 66.8% of total gross floor area of the house. However, this calculation includes the entire plot. The SPD is clear in that the calculation should exclude vehicular provision. The Application Form states there are 4 spaces currently on the site, with two to be created for the proposal. These additional two spaces are marked at the new entrance from Westroyd Gardens for the smaller property on the Block Plan. The remaining 4 spaces are not marked on the plan but would likely cover a large part of the existing tarmac area for the larger property, which would exclude this part of the space around the building as amenity space as per the SPD.
16. Even if I were to use the appellant's calculation using the entire space around the new property, including parking spaces, at 66.8% this would constitute the minimum space required. Excluding parking provision, as per the SPD, this figure would fall significantly below the required provision considering the scale of the resulting dwelling.
17. To conclude on this second main issue, the proposal would not provide satisfactory living conditions for prospective occupiers of the larger property with regards to outdoor amenity space provision. The proposal is therefore contrary to policies P10 of the CS and GP5 of the UDP which seek, amongst other things, to ensure a good standard of living conditions for current and future residents.

Living conditions of No's 2 and 4 Westroyd Gardens

18. The SPD advises a separation distance of 12m should be maintained between the side of an extension and a ground floor main elevation serving living/dining room areas. Moreover, the distance between the side of the extension and a boundary should be at least 2.5m.
19. The side wall of the pool house building is situated around 1m from the boundary with the rear gardens of No's 2 and 4 and between 9 and 10m from the ground floor rear elevation. Both significantly short of the distance advised. I note the overall height of the proposed dwelling in this location would not

increase. However, it would add significant mass to the rear, with this extending the length of the building from the existing ridge.

20. The extension would therefore introduce an overbearing and visually dominant feature in views from the rear windows and outdoor amenity spaces of No's 2 and 4. Despite the pitch sloping away from these neighbouring properties, this feature would reduce outlook from these rooms at the rear and create a feeling of enclosure within the rear gardens which would diminish the enjoyment of these spaces. The dominating presence of the proposal would therefore detract from the quality of the living environment for occupiers of 2 and 4. The acceptability or otherwise of the original dwelling when approved does not alter my assessment in this regard.
21. I note the additional concern of the Council with regards to overshadowing of No's 2 and 4, although there is no discussion of this in the officer report. Due to the orientation of 2 and 4 in relation to the appeal site, and the position of the existing dwellings on Westroyd, I am satisfied that the proposal would not have an unduly detrimental effect upon sunlight levels to the rear of these properties.
22. Notwithstanding the lack of harm with regards to overshadowing, and to conclude on the third main issue, the proposal would cause harm to the living conditions of No's 2 and 4 Westroyd Gardens with regard to visual impact. The proposal is therefore contrary to policies P10 of the CS and GP5 of the UDP which seek, amongst other things, to ensure a good standard of living conditions for current and future residents.

Recommendation

23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Ashworth

INSPECTOR