



Appeal Decision

Site Visit made on 27 January 2021

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Appeal Ref: APP/N4720/D/20/3263026
109 Stanks Drive, Stanks, Leeds LS14 5NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Petru Nedelcu against the decision of Leeds City Council.
 - The application Ref 20/01406/FU, dated 2 March 2020, was refused by notice dated 18 September 2020.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the host property and the surrounding area, and 2) the living conditions of occupants of the appeal property with regard to light and outlook.

Reasons

Character and appearance

3. The appeal property is a two-storey detached dwelling. It is part of a modern housing development and occupies a prominent corner position on the junction between Stanks Drive and St Matthew Way. It has a distinct angled design that reflects this corner position. This angled design is repeated at corner locations throughout the development.
4. Although the rear garden of the property is surrounded by a high brick wall, its rear elevation is exposed and clearly visible from St Matthew Way, forming part of the street-scene.
5. The proposed two-storey rear extension, incorporating a pronounced pitched roof would harmfully depart from, and erode, the intended angled design approach. Due to its design, scale and siting, the extension would sit uncomfortably with the rest of the property, creating an awkward juncture between the extension and the angled section of the existing property. When viewed from St Matthew Way it would appear as a disorderly and incongruous addition to the property, and I agree with the Council that it would lack visual coherence with many competing elements.
6. The fact that the appellant considers the extension to be of a modest size relative to the size of the existing dwelling does not overcome the harm I have

identified in relation to its design, scale and siting. Nor does the fact that the appeal site is not located within a conservation area.

7. I therefore conclude that the proposed extension would cause significant harm to the character and appearance of the host dwelling and the surrounding area. It would be contrary to Policy P10 of the Leeds Core Strategy (2014) and saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (2006). These policies seek, amongst other things, to promote good design and ensure the size, scale, design and layout of development is appropriate to its context and respects the character and quality of surrounding buildings.
8. The proposal would also be contrary to guidance contained in Policy HDG1 of the Leeds Householder Design Guide (HDG) Supplementary Planning Document (2012). This guidance outlines that extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.
9. The proposal would also be contrary to the National Planning Policy Framework (the Framework) (2019) which outlines that permission should be refused for development of poor design that fails to take the opportunities available to improve the character and quality of an area, taking into account any local design standards or supplementary planning documents.

Living conditions

10. Concern is expressed over the levels of light and outlook that would be received to the property as a result of the development, including in relation to the impact of the resulting proximity to the gable of 2 St Matthew Way.
11. At the ground floor level, the proposed development would create new window openings for the kitchen and lounge/dining room. The plans show that this would be open plan, where there is also an existing bay window serving the living room. One of the proposed kitchen windows would be angled away from the gable of 2 St Matthew Way and face in a southerly direction, with the second kitchen window being sited so that the gable of 2 St Matthew Way would not be directly in front of it. The proposed dining room window incorporates full height windows and doors. Although this would be more directly sited in front of the gable of 2 St Matthew Way a reasonable separation distance would be maintained and when combined with the other existing and proposed windows in the suggested open plan arrangement, I do not consider that there would be harm overall.
12. In relation to the first floor, there is only one habitable room window in the proposed rear elevation, the others being to a bathroom and landing where levels of light and outlook are generally not sought to be protected as they do not serve habitable rooms. The other room on the first floor that would be impacted as a result of the development is due to the relocation of an existing window to the side elevation. This is intended to serve a study, which similarly would not be classed as a habitable room.
13. The proposed bedroom window would face onto the gable of 2 St Matthew Way, however it would maintain a reasonable separation and it is of such a size and siting that an angled outlook that would not solely encompass the gable of 2 St Matthew Way would be achievable. I therefore find that this would not cause harm.

14. Additionally, I visited the site on a sunny winter afternoon where I observed, that the existing rear elevation of the property benefits from a notable amount of sunlight. This would also be the case with the proposed extension in place. I therefore find that the orientation of the dwelling would also be a factor in contributing to ensure that there would not be harm overall.
15. I therefore conclude that, despite some minor conflict with the separation distances in the HDG, the proposed extension would not cause significant harm to the living conditions of occupants of the appeal property with regard to light and outlook. It would comply with Policy P10 of the Leeds Core Strategy (2014) and Policy GP5 of the Leeds Unitary Development Plan (2006) which require, amongst other things, that development protects and avoids loss of residential amenity.
16. The proposal would also comply with paragraph 127 of the Framework that outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

17. I note that correspondence was received from a neighbouring property stating that they support the application. No reasons were given for supporting the application for me to give sufficient weight to that would lead me to a different conclusion.
18. The appellant has referred to the fallback of utilising permitted development rights to extend the property without the need for planning permission. Be that as it may, as the appellant has referred to, such an extension would not be the same size as the development before me. This limits the weight it can be given, and does not, in this instance, justify departing from the development plan. In any event, I have determined the appeal proposal on its own individual planning merits.
19. As I have found the proposal would cause significant harm to the character and appearance of the area, it does not benefit from a presumption in favour of sustainable development as has been suggested by the appellant.

Conclusion

20. Although I have found there would be no harm in terms of living conditions, this does not overcome the significant harm I have found would be caused to the character and appearance of the host property and surrounding area.
21. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR