



Appeal Decision

Site Visit made on 1 June 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2021

Appeal Ref: APP/N4720/D/21/3270222

7 Congreve Approach, Bardsey, Leeds LS17 9BN

- 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 Jag Singh against the decision of Leeds City Council.
 - The application Ref 21/00045/FU, dated 3 January 2021, was refused by notice dated 2 March 2021.
 - The development proposed is describes as "1) Two storey rear extension 2) Single storey front extension 3) Bay windows 4) Vehicle crossover - repositioning (a direct application has been made to highways by the homeowner)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council made its decision based on the initial set of revised plans submitted by the appellant. The appellant has referred to the submission of further revised plans and elevations for the purposes of discussion with the Council during its consideration of the planning application. From the information before me, it appears that no consultation was carried out on these further revised plans and elevations, which are for a significantly different proposal to that determined by the Council, and therefore interested parties may be prejudiced by my consideration of them. My consideration of the appeal has therefore been made on the basis of the plans on which the Council made its decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of occupiers of 5 Congreve Way with particular regard to outlook and privacy.

Reasons

Character and Appearance

4. The appeal property is a detached 2 storey dwelling located in a residential area that comprises mainly similar dwellings together with a number of single storey properties. The dwellings in the area have similar design characteristics, being mainly detached dwellings of stone and render set within relatively generous plots. A number of nearby properties have been subject to alterations over time with various extensions being apparent. These extensions generally take their cue from the host dwellings in terms of design and materials, and are subservient to them, and as such generally integrate with the established built form.

5. The proposed rear extension would be visible in the wider area. Given its height and depth, it would be seen above the adjacent bungalow when viewed from the street as well as from neighbouring properties and the road to the rear of the appeal property. The proposed rear extension would have an eaves and roof ridge height the same as the main house and would represent an excessively large extension of the property at roof level. Furthermore, the large splayed edge of the eastern elevation, together with the introduction of large first floor windows with a vertical emphasis, would depart from the character and appearance of the appeal property and the nearby built form. Given its unsympathetic scale, massing and design, the proposed rear extension would represent an incongruous addition to the appeal property that would cause significant harm to the character and appearance of the area.
6. The proposed rear extension would therefore conflict with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) September 2019 (the CS) and Policies LRE1 and BE1 of the Bardsey cum Rigton Neighbourhood Plan October 2017 – October 2032 which seek to ensure that development is of a good quality design that is appropriate to its location, scale and function, reflects the character of its immediate locality in terms of design and achieves high quality design that respects the scale and character of the existing buildings in the locality, amongst other matters. It would also conflict with Policies GP5 and BD6 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDPR) which seek to protect amenity and ensure that extensions or alterations are sympathetic to the existing building so that they are not detrimental to the townscape of an area. It would also conflict with the design objectives of the National Planning Policy Framework (the Framework).
7. The Council has referred to a conflict with the guidance in Leeds City Council Householder Design Guide Supplementary Planning Document 2012 (the SPD) in its first reason for refusal in its decision notice. I have not been directed to a particular section of the SPD nor have I been provided with relevant extracts and so am not in a position to conclude whether the proposed rear extension would represent a conflict with the guidance in the SPD in this regard.

Living Conditions

8. 5 Congreve Way is a bungalow located to the north east of the appeal property. The proposed rear extension would be located close to the boundary with this property and would run parallel with part of its side elevation and part of its rear garden.
9. The proposed rear extension would represent a large increase to the massing of the appeal property when viewed from the windows to the side and rear and rear garden of no. 5. Such views would be in relatively close proximity. It is appreciated that the appellant has sought to address this by introducing a splay at first floor level. However, even with this splay, the projection, proximity to the boundary of no. 5 and the design of the roof canopy would mean that the proposed rear extension would appear dominant and oppressive to occupiers of this bungalow from the side windows and rear garden. It would therefore have a significantly overbearing effect on the outlook from the windows in the side elevation and rear garden of no. 5. I share the Council's concern about the retention of the boundary hedge given the proximity of the proposed rear extension and the likely potential for damage to/loss of it during the

construction of the proposal. As such it cannot be relied upon to provide adequate mitigation for the harm that I have identified.

10. The 2 windows proposed on the splayed elevation of the first floor extension would afford views across the side and rear of no. 5 across a relatively short distance. Whilst concerns about overlooking and loss of privacy could be addressed to a degree by the use of a condition requiring the windows to be obscurely glazed, non-opening, units, I agree with the Council that the occupiers of no. 5 would still have a perception of being overlooked when in the garden in particular, given the height and angle of the windows.
11. I find therefore that the proposed rear extension would result in significant harm to the living conditions of occupiers of 5 Congreve Way due to the effect on outlook and privacy. As such, the proposed development would be contrary to Policies GP5 and BD5 of the UDPR and Policy P10 of the CS, which seek to ensure that there is no loss of amenity, that new buildings are designed with consideration given to the amenity of their surroundings and development safeguards the amenity of adjoining uses and protects residential amenity through high quality design, amongst other matters. It would also conflict with the guidance in Policy HDG2 of the SPD, which advises that proposals which harm the existing residential amenity of neighbours through excessive overdominance or overlooking will be strongly resisted. It would also conflict with the objectives of the Framework which seek to achieve well-designed places.
12. I note that the appellant has included within their appeal statement a letter from the occupiers of 5 Congreve Approach to the Council stating that they do not object to the proposed development. However, this lack of objection does not outweigh the harm that I have identified, which would endure for future occupiers should planning permission be granted.

Other Matters

13. The proposed development also includes a single storey front extension and new ground floor windows to the front of the appeal property. The Council considers that these elements of the proposed development would be acceptable. I saw no matters during my site visit that would lead me to take a different view of those elements of the proposed development.
14. The appellant has included photographs within their appeal statement to demonstrate the variety of local building forms and styles. I do not know the circumstances of these cases or the policies that applied at the time of their consideration. I therefore give these examples very limited weight. In any case, I have determined the appeal on its own merits.
15. The appellant has included communication with the Council within their appeal statement that makes reference to the use of permitted development rights to enable a rear extension without requiring planning permission, as a fallback position. However, there is no information before me which indicates either the form such a development might take, or the likelihood of such a course of action being pursued were I minded to dismiss the appeal. On this basis, it is a matter that I give very limited weight to and it does not outweigh the harm I have identified.

16. I note the appellant's concerns regarding the Council's handling of the case. However, in determining this appeal, I am only able to have regard to the planning merits of the case.

Conclusion

17. The proposed development would significantly harm the character and appearance of the area and the living conditions of occupiers of 5 Congreve Approach with regards to outlook and privacy and would conflict with the development plan taken as a whole. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR