



Appeal Decision

Site visit made on 15 March 2021 by Darren Ellis MPlan

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2021

Appeal Ref: APP/N4720/D/20/3265292

124 Park Lane, Rothwell, Leeds, LS26 0EY

- 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 & Mrs Mark Keeling against the decision of the Leeds City Council.
 - The application Ref 20/01739/FU, dated 10 March 2020, was refused by notice dated 30 June 2020.
 - The development proposed is described as 'Attic alterations to provide bedroom and bathroom space'.
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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.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the property, the street scene and the Rothwell Conservation Area, and consequently whether or not the proposal would preserve or enhance the character and appearance of the conservation area.

Reasons for the Recommendation

4. The appeal site comprises a two-storey detached dwelling on the north-western side of Park Lane. The properties in the street are a mix of detached and semi-detached dwellings.
 5. While the properties along Park Lane are not identical in design, the majority of the properties along this side share design features including hipped roofs, front gables, bay windows, a lack of a gap between the first-floor windows and the eaves, and the dwellings are finished in red brick. No 98 is an exception, as it is finished in white render and has a large gap between the first-floor windows and the eaves as a result of an apparent previous upwards extension to create habitable space in the roof. The original dwelling at No 126, to the north of the appeal site, appears to share the prevailing design features in Park Lane, however previous extensions to No 126 include an attached garage at the front of the property that has a gable roof. As a result, the appeal property
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is situated among a group of dwellings that share the aforementioned design features. There is a wider variety of designs to the houses on the opposite side of Park Lane, although some of the dwellings on this side also share these design features.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The site lies within Character Area 3 of the Rothwell Conservation Area, which is characterised by its historic layout, materials and architectural details. The Rothwell Conservation Area Appraisal (May 2010) designates the appeal property and adjacent properties along Park Lane as 'Positive buildings'. The appeal property, being part of a group of dwellings that share the design features mentioned above, contributes positively to the character and appearance of the Conservation Area.
8. The proposal would see the roof height and eaves level increase, and a small side dormer window added to the north-eastern roof slope. While the roof would remain the same size as at present, the proposal would result in a gap between the first-floor windows of approximately 1m, which would be finished with red brick. Even allowing for the bricks to match those used on the existing dwelling, this substantial expanse of brick above the first-floor windows would appear significantly at odds with the detailed design characteristics and proportions of other properties in the group that share the design features described above. The resultant dwelling would appear as a disproportionately top-heavy building within the street scene and would represent a poor quality of design.
9. The side dormer has been designed to be in keeping with the existing property, and would have limited visibility from the street due to its modest scale and position behind the chimney. As such, the dormer would not have a significant effect on the appearance of the property and consequently would not detract from the character or appearance of the Conservation Area.
10. The appellant has drawn my attention to the size and scale of other extensions which have been undertaken within the street, and which are visible on Park Lane, and which it is contended the appeal proposals in contrast appear as more modest additions.
11. I have in particular considered the reference to No 98 which was extended in 2002, and which included raising the roof and eaves level and the creation of a gap in between the first-floor windows and the eaves. However, no details of any planning permission have been provided. The Conservation Area boundary was extended in 2010 to include some of the properties along Park Lane including No 98 and the appeal site. Therefore, the 2002 application at No 98 would not have been subject to any local or national policies regarding development in conservation areas. In any case, No 98 falls outside the group of dwellings along Park Lane that share the previously described design features. Furthermore, the substantial distance and limited visibility of No 98 from the appeal site lessens the visual impact of No 98 on the immediate street scene around the appeal site.
12. The other existing extensions in the street to which I have been referred include a raising of the roof and eaves levels. These other extensions clearly

amount to differing circumstances from the proposal before me and therefore are not directly comparable to this proposal.

13. For the above reasons, the proposal would detract from the character and appearance of the appeal property and the group of properties that share the design features mentioned above. Furthermore, the proposal would neither preserve nor enhance the character or appearance of the Rothwell Conservation Area and would consequently cause harm to the significance of the heritage asset, although the harm would be less than substantial.
14. Paragraph 196 of the National Planning Policy Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. It is concluded that the proposed development would result in less than substantial harm in this case. However, no public benefits of the scheme have been identified with a desire to extend the property to provide additional space to meet the appellant's needs clearly identifiable as a private benefit. Furthermore, the Framework indicates that great weight should be given to the asset's conservation.
15. Moreover, the proposal would conflict with Policy P10 of the Leeds Core Strategy (November 2014) (CS) and Policy GP5 of the Leeds Unitary Development Plan (Review 2006) (UDP), which both require development, including extensions and alterations to existing buildings, to respect the character and context of the area. The proposal would also fail to comply with Policy P11 of the CS and Policy N19 of the UDP, which require the development to preserve or enhance the character or appearance of a conservation area.
16. I have had regard to paragraph 130 of the National Planning Policy Framework ('the Framework'), which states that design should not be used as a valid reason to object to development. However, the Framework clarifies that proposals should accord with clear expectations in plan policies, and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. I have found that the proposal would be unacceptable for this reason.

Other matters

17. In the Design and Access Statement, the appellant suggests that allowing this proposal would prevent the need for other extensions to the property which could unacceptably reduce the garden space or the gap to adjacent properties. However, no details of any such alternative extensions have been provided to justify this contention and there is no indication of whether the Council would find any such schemes to be acceptable or unacceptable. I therefore attach no significant weight to this fallback position.
18. The appellant also refers to the new permitted development right that allows additional storeys to be erected to dwellings. However, buildings in conservation areas have been excluded from this right. While the permitted development right may support the principle of additional storeys, this exclusion clearly highlights that this principle should not be automatically considered as acceptable in a conservation area.

Conclusion and Recommendation

19. Although I recognise the limited weight that must be attached to the personal circumstances of the appellant and the need for further accommodation, this benefit would be insufficient to outweigh the harm that would be caused to the character and appearance of the property and the Conservation Area.
20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Martin Seaton

INSPECTOR