



Appeal Decision

Site Visit made on 22 June 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/N4720/W/21/3267120

6 Tranmere Court, Guiseley, Leeds LS20 8NA

- 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 Shahi Darvishnarenjbon of BLANCA against the decision of Leeds City Council.
 - The application Ref 20/04177/FU, dated 13 July 2020, was refused by notice dated 14 October 2020.
 - The development proposed is conversion of the garage to a detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the application form includes an error in its wording. I have used the appeal form wording in the banner heading above as it more accurately describes the proposed development.
3. Whilst I have based my decision on the plans before me, there are some discrepancies between the existing plans and the situation on the ground, however this is for the Council to resolve with the appellant.
4. The appellant has provided amended plans as part of the appeal. These are significantly different to the plans considered by the Council and I am concerned that this would prejudice those who have previously commented on the proposal who would not have opportunity to comment on the revised scheme. As such I consider that it would be inappropriate for me to formally consider the revised proposal. I have therefore determined the appeal on the basis of the plans refused by the Council.

Main Issues

5. The main issues are:
 - whether the proposed development would preserve or enhance the character and appearance of the Tranmere Park Conservation Area; and,
 - the effect of the proposed development on the living conditions of the occupiers of nearby dwellings with particular regard to privacy, outlook and light.

Reasons

Conservation Area

6. The Tranmere Park Conservation Area Appraisal and Management Plan (2013) ('the TCPAA') advises that the Tranmere Park Conservation Area ('the CA') comprises of a range of high quality, low density housing based firmly in the Arts and Crafts style with large mature gardens giving the houses space and setting that adds considerably to the special character of the CA. With regard to infill development the TCPAA advises that intensification of development which disrupts the character of the area should be resisted, whilst the scale, massing and proportion of buildings as well as the spaces between them are important in retaining the character of the CA.
7. Tranmere Court comprises of large detached houses loosely arranged around the shared access road. Whilst the access road is narrow, the dwellings are nonetheless arranged spaciouly with reasonably large garden areas as reflected in the TCPAA. The external walls of dwellings are finished with a pale coloured render with some stone detailing. I saw that garages are prominent features of these properties, either consisting of single storey standalone buildings or incorporated into the front elevation of the dwellings. These features, namely, the large two storey detached houses with garages and their spacious arrangement forming the prevailing pattern of development in the area are features which contribute to the significance of the CA.
8. 6 Tranmere Court is a large detached dwelling with a rendered and stone finish set back from the edge of the access road with a sizeable garden area. The property includes a detached garage, the appeal site, which sits forward of this. The garage has a narrow rectilinear form with a gable to the front and I saw a conservatory extension to the rear. On the basis of the above, I saw the detached garage appears as an ancillary building to No 6 and together they reinforce the characteristics that contribute to the CA as set out above.
9. It is proposed to convert and extend the detached garage at No 6 to form a new dwelling. The existing conservatory would be removed and replaced with a rendered extension over a similar footprint. The roof height of the extended building would be 5.6 metres, an increase of 1.4 metres from the existing building. The new roof would include a flat roofed dormer window to the slope facing the dwelling at No 6. The garage door would be replaced with a bow window with a circular window above. Windows would be installed in all elevations apart from the north elevation.
10. The proposed changes to the garage would radically alter its appearance. Owing to its increased height, extension, additional windows and new dormer, it would no longer appear as an ancillary building and instead would resemble a small detached bungalow. As such, given its close proximity to the dwelling at No 6 and the neighbour to the east (No 4) in combination with its comparatively small scale and narrow rectilinear form, it would appear incongruous and 'squeezed in'. The proposal would therefore be at odds with the prevailing pattern of development in the area consisting of large dwellings in a spacious arrangement, resulting in significant harm to the character and appearance of the CA. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the National Planning Policy Framework ('The Framework'), that harm should be weighed against any public benefits of the proposal.

11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
12. I am advised that the appeal proposal has come forward to free up the accommodation at No 6, allowing this to be occupied by the appellant's children with the appellant then occupying the new dwelling. I accept that the proposal would be beneficial in this respect. However, this is essentially a personal benefit as opposed to the public harm to the CA that I have found above. Nonetheless, the proposal would boost the supply and choice of housing in the area. However, that contribution would be modest and carries limited weight in support of the appeal. Economic benefits would also arise from the associated construction works and occupation of a new house. Nevertheless, together these would be relatively minor benefits that would not outweigh the significant harm to the character and appearance of the CA that I have found.
13. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the Tranmere Park Conservation Area contrary to Policies P10, P11, and P12 of the Leeds Core Strategy (amended 2019) and Policies GP5, BD6 and N19 of the Leeds Unitary Development Plan Review (2006) which seek, amongst other things, to conserve heritage assets and the distinctiveness of the local townscape and provide high quality design. The proposal would also conflict with the guidance contained within the TCPAA. Furthermore, the proposal would conflict with paragraph 196 of the Framework insofar as it seeks, amongst other things, to ensure that heritage assets are conserved in a manner appropriate to their significance.
14. The Council refer to Policy BC7 in their reasons for refusal, which requires development in conservation areas to be of traditional local materials. I note that the existing garage is rendered with stone detailing, consistent with the surrounding buildings and the CA and that the proposed alterations would be of matching materials. I do not therefore find direct conflict with this policy.

Living Conditions

15. The main part of the garden of No 4 is located between the west elevation of that dwelling and the boundary with the appeal site. This elevation includes a conservatory extension facing the appeal property. Consistent with the rear gardens of the surrounding area, this is enclosed by a high timber fence and has a good level of privacy that occupants would legitimately expect to be accorded appropriate protection.
16. The proposed dwelling would be 0.4 metres from the boundary with No 4 and would extend for much of its length. The increase in roof height of the garage would be significant and lead to the roof and the upper walls of the garage extending well above the existing fence. This increase would be substantial to the rear of the garage where there is currently a conservatory with a notably lower roof than the garage. The bulk and massing of this structure in such close proximity to the boundary for much of its length would be highly dominant and imposing in views both from the garden of No 4 and within its conservatory, significantly reducing outlook.
17. Falling to the west of No 4, the proposal would be likely to reduce the availability of natural light at that property. It would also lead to

overshadowing of parts of the garden and rear windows. The living conditions of the occupants of No 4 would be materially diminished accordingly.

18. Three rooflights would be installed in the east facing roofslope and a ground floor window would be installed on the east elevation facing No 4. It is clear from the submitted plans that the rooflights in particular would be at a height in relation to floor levels that would easily allow views into the garden and towards the dwelling of No 4. The intrusive overlooking that would result would significantly reduce the existing privacy levels at No 4 and consequently result in significant harm to the living conditions of the occupiers of this dwelling.
19. The Council has stated that there would also be some overlooking of the front garden of No 8 Tranmere Court. However, views of this garden would be restricted by the garage at No 8 and boundary treatments. I also note that privacy levels, as is the case in this instance, are generally lower in front gardens. Notwithstanding this, I note that the proposed dwelling would be sited sufficient distance away from No 8 to avoid any overlooking of windows of this dwelling. The proposal would therefore not be harmful to the living conditions of the occupants of No 8.
20. For the above reasons I conclude that the proposal would result in an adverse effect on the living conditions of the occupants of No 4 Tranmere Court contrary to Policy P10 of the Leeds Core Strategy (amended 2019) and Policy GP5 of the Leeds Unitary Development Plan Review (2006) which, in summary and amongst other things, seek to provide high standards of design with regard to living conditions.

Other Matters

21. There have been several other issues raised by different parties, including by those that commented on the application. These include highway safety, parking, whether the dwelling would provide acceptable living conditions for future occupants and garden provision. Even if I were to conclude that the proposal was acceptable in all other respects, this would be a neutral finding and consequently would not outweigh the harm that I have found to the character and appearance of the Conservation Area and to living conditions.

Conclusion

22. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR