



Appeal Decision

Site Visit made on 12 May 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2021

Appeal Ref: APP/N4720/D/21/3268492

15 Park Lane, Kippax, Leeds, LS25 7AP

- 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 Mrs Laura Coates against the decision of Leeds City Council.
 - The application Ref 20/04308/FU, dated 16 July 2020, was refused by notice dated 18 January 2021.
 - The development proposed is described as a two storey side extension; first floor extension and single storey side/rear extension to other side.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Part E of the appeal form details that the description of the development has not changed from that stated on the application form. However, a different description, that detailed in the banner hearing above, has been entered. I have used this description because it more accurately describes the development proposed and has been used by the Council and the appellant in documentation accompanying the appeal.

Main Issues

3. The main issues are the effect of the development on:
 - i. The character and appearance of the area
 - ii. The Living conditions of the occupiers of the neighbouring property, 2 Woodlands Close; and,
 - iii. Highway safety, with particular regards to carparking

Reasons

Character and Appearance

4. Policy P10 of the Leeds Core Strategy, Policy BE1 of the Kippax Neighbourhood Plan, Policies GP5 and BD6 of the Leeds UDPR and HDG1 of the Householder Design Guide require, amongst other matters, that new development respects the character of the surrounding area and respect the scale, style and detailed design of other buildings in the area.
 5. The appeal property is located within a modern housing estate, made up of a range of properties including detached and semi-detached homes. The appellant describes the properties within the streetscene as being "generally within close proximity to one another".
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6. At the site visit I saw that while the estate had been laid out to achieve the best use of land, there were nonetheless distinct gaps between the properties, with reasonably sized front gardens and landscaping areas that overall give the area an open character typical of this style of housing development. The appeal property, while previously extended by way of a garage conversion, nonetheless contributes positively to the character and appearance of the area.
7. Whilst there is no specific policy objection to the principle of residential extensions, I note that the various extensions that comprise the appeal scheme would extend the building considerably. One side extension is situated in a particularly prominent location, adjacent to junction of Park Lane and Woodlands Grove, and as a result of the depth of the extension and resulting extensive roofscape, the extension lacks the architectural subtlety of the host property.
8. This side extension would result in the loss of some open space and landscaping to the side of the property, including part of an on-street layby style car parking space. Such space and landscaping is characteristic of the area and the erosion that would result from the appeal scheme would harm the character and appearance of the area.
9. In respect of the first floor extension, despite the clear set back from the front and rear elevations of the appeal property and the lower ridge height, the submitted plans nonetheless show that the extension would, in combination with the other proposed works, diminish the character of the appeal property.
10. For the reasons detailed above, I find that the extensions would cumulatively create a prominent and incongruous feature in the local area that would be harm the character and appearance of the area and thus contrary to Policy P10 of the Leeds Core Strategy, Policy BE1 of the Kippax Neighbourhood Plan, Policies GP5 and BD6 of the Leeds UDPR and the guidance set out in the Householder Design Guide.

Living Conditions

11. The proposed first floor side extension would be located in close proximity to the adjacent bungalow, 2 Woodlands Close. The appellant's Statement of Case refers to the householder Design Guide, detailing that "as a general rule of thumb first floor extensions can project 1m on the common boundary. The proposed extension would only be marginally beyond this"¹. However, the submitted plans detail that the proposed extension would project some 4 metres along the boundary and would be situated almost directly on the boundary with No.2.
12. I saw at the site visit that the previously converted garage is already in close proximity to the facing windows on the bungalow and that the windows face towards the north. Nonetheless, the proposed extension situated at the first-floor level in close proximity to the bungalow, would have a clear dominant and overbearing impact on the living conditions of the occupiers of no.2.
13. As such the proposal is contrary to Policy P10 of the Leeds Core Strategy, Policies GP5 and BD5 of the Leeds UDPR and HDG2 of the Householder Design Guide in so far as they relate to the protection of the living conditions of the occupiers of neighbouring properties.

¹ Paragraph 4.15

Highway safety

14. The appeal scheme would result in the creation of a garage and in the loss of part of the car parking space adjacent to the property. While the Council refers to this space as “visitor car parking” the appellant details that it is allocated to the appeal property.
15. Nonetheless, the proposed plans appear to show that, save for the construction of the proposed extension over part of the car parking space, the space would remain unaltered. This would suggest that the space would remain available for use albeit at a reduced size that, based on the evidence before me, would inevitably mean that cars would be parked partially on the highway in close proximity to the junction of Park Lane and Woodlands Grove to the detriment of highway safety.
16. The appellant details that the appeal property has plenty of car parking, but no specific details are provided, and I note that no access to the proposed garage is shown on the appeal plans.
17. To conclude this main issue, as a result of the reduced size of the car parking space that would result in vehicles parking partially on the highway in close proximity to a road junction, I find that the appeal proposal would harm highway safety. As such, the appeal scheme is contrary to policy T2 of the Core Strategy, policy BE1 of the Kippax Neighbourhood Plan, saved Policy GP5 of the Leeds UDPR that amongst other matters seek to protect highway safety.

Other Matters

18. The appellant details that the loss of landscaping that would result from the appeal scheme could be achieved without planning permission. Furthermore, the appellant has indicated their willingness to provide details of landscaping by way of a condition. Nevertheless, this does not persuade me as to the acceptability of the appeal scheme.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR