



Appeal Decision

Site Visit made on 20 July 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2021

Appeal Ref: APP/N4720/D/20/3263426

162 Ring Road, Halton, Whitkirk, Leeds LS15 7AE

- 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 M Armitage against the decision of Leeds City Council.
 - The application Ref 20/05691/FU, dated 24 August 2020, was refused by notice dated 3 November 2020.
 - The development proposed is retrospective application for bay window to front (east); single storey extensions to both sides and rear.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form does not describe an act of development, so in my banner heading above I have used the description that is common to both the appeal form and the Council's decision notice.
3. The application was submitted retrospectively and I have considered the appeal on that basis.
4. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). The revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by its publication.

Main Issues

5. The main issues are:
 - The effect of the development on the character and appearance of the host building and surrounding area; and
 - Whether the development provides an acceptable standard of living for the occupiers of the dwelling, with particular regard to rear outlook and garden space.

Reasons

Character and appearance

6. The appeal property is a pitched-roof bungalow located on the corner of Ring Road and Baronsmead. It sits within a wide-fronted plot that tapers to the rear. There is a low front boundary wall and limited landscaping within a mostly hard surfaced front garden. Accordingly, the appeal property is highly

- prominent in the street scene. The surroundings consist of regularly spaced detached and semi-detached houses and bungalows with established front gardens creating a pleasant suburban setting, notwithstanding the busy arterial nature of Ring Road.
7. A number of nearby properties have been subject to alteration and extension over time. These generally take their cue from the host dwellings in terms of design and materials, and therefore integrate unobtrusively with the established built form. That is not the case with the appeal proposals. Whilst the side extensions are subservient in their height, they are unconventionally shaped to fit within the tapering plot, and in combination with their boxy flat-roofed design and incoherent window proportions, appear as visually discordant additions which do not respect the character and appearance of the host building and neighbouring properties.
 8. Furthermore, the extensions fill nearly the full width of the property and are highly conspicuous in the street scene. This includes the side elevations, as the dwelling is set forward of its neighbours on Ring Road and Baronsmead. The side wall of the extension facing Ring Road is particularly intrusive, despite not projecting beyond the front elevation of the original dwelling. The stark white render finish, although carried out to a high standard, further emphasises the visual incongruousness of the development in the street scene.
 9. The front bay window also features in the Council's refusal reason, but it is a small feature contained under the original roof canopy and is not visually intrusive or incongruous. The flat roof rear extension is not visible within the street scene and is therefore not harmful.
 10. The appellant contends that the development has transformed the appeal of the original property and provides some visual stimulation and interest on this prominent site. However, whilst some elements of the proposal are acceptable, the side extensions are discordant additions to the building, which have harmed its appearance overall, with consequent harm to the character and appearance of the surrounding area.
 11. I therefore conclude, that as a result of the two side extensions, the development unacceptably harms the character and appearance of the host dwelling and surrounding area. In this regard, there is conflict with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (the CS), and saved Policies GP5 and BD6 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP). Amongst other things, these policies require development, including extensions, to be well designed, and to respect the scale and form of the original building and the character of its surroundings.
 12. The Council has also referenced its adopted Supplementary Planning Document 'Householder Design Guide 2012'. I have afforded substantial weight to that document due to its role in supporting the relevant development plan policies and its consistency with the design quality aims of the Framework. I also find conflict with its requirements that an extension should be of a size and shape which is in keeping with the building, and that all parts of the extension (including its roof) should adequately reflect the proportions of the existing house and mirror its architectural details.

Garden space and outlook

13. The Council has concerns over the effect of the rear extension on the size and useability of the rear garden space, which is said to fall below the minimum quantum required by the Council's 'Neighbourhoods for Living' Design Guide. However, from the evidence before me, there has been an improvement to the useable space in the rear garden following the demolition of a previous rear extension and garage. Moreover, at my site visit I was able to see that the rear garden was landscaped to a high quality and included a decked area for sitting out, as well as a reasonably sized area of grass and a washing line. Therefore, notwithstanding any perceived shortfall against the Council's Guidance, I am satisfied that the development has not compromised the living conditions of the occupiers through inadequate garden space.
14. The rear bedroom window is located close to the boundary fence, but even though the fence tapers inwards, it does not completely obstruct the outlook and light to this window. In addition, the fence is not excessively high in relation to the window. My overall impression was that the window benefitted from a reasonably open and light outlook and was not unacceptably compromised by the boundary fence, as feared by the Council.
15. I conclude, on this issue, that the development provides an acceptable standard of living for the occupiers of the dwelling, with particular regard to rear outlook and garden space. In this regard, the proposal complies with CS Policy P10, and saved UDP Policies GP5 and BD5, which amongst other things, require development to provide a high standard of amenity for existing and future users, including in respect of outlook and garden space. However, this does not outweigh my findings of harm on the first main issue.

Other Matters

16. The appellant has requested that I take into consideration the potential economic implications of remedial works if the appeal is dismissed. However, it would be a matter for the Council to decide whether it would be expedient to progress enforcement action in relation to this matter. Consequently, it is not a factor which bears on my consideration of the planning merits of the proposal under this Section 78 appeal.

Conclusion

17. I have found that the development causes harm to the character and appearance of the host dwelling and surrounding area. This provides a clear justification for finding the proposal to be unacceptable. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR