

Appeal Decision

Site Visit made on 16 August 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/N4720/D/21/3274622

2 Thwaite Road, Boston Spa, Wetherby, LS23 6FQ

- 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 Eyyup Demir against the decision of Leeds City Council.
 - The application Ref 21/00566/FU, dated 21 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed is single storey side extension.
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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.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework and I am satisfied that no party would be disadvantaged by my reference to the revised Framework.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

5. No 2 Thwaite Road is a modern detached dwelling situated at the junction of Thwaite Road and Grove Road and forms a prominent entrance into the new development. To the side of the dwelling is a grassed and fenced area, with a hedge to the rear of the highway which, along with the gardens and landscaping serving the dwellings nearby on Grove Road and the play space and landscaped area opposite the site, creates an open and spacious character within this part of the road. It is within this context that I have assessed the proposal.

6. The proposed single storey side extension would extend into the grassed area and it is proposed that the existing boundary wall would be moved to enclose the area to the rear of the dwelling to create an additional area of private garden. Although an open area would remain between the highway and the proposed development, the works would have a significant enclosing effect on this prominent corner. The proposal would sit forward of nearby dwellings fronting on to Grove Road and would significantly erode the open, spacious character and appearance of the area.
7. I note that there is an immature hedge to the rear of the footway. Whilst this will no doubt grow in the future, the proposed extension would still be visible in the street scene and its presence would not mitigate the harm identified.
8. Photographs have been provided that show extensions elsewhere in the area. From the evidence before me and from my observations, I am unable to ascertain whether they are directly comparable in terms of their locational characteristics, and this therefore limits the weight that I can give this matter in my assessment of this case. In any event, I have considered this appeal on the site-specific circumstances and the evidence before me.
9. I acknowledge that the appellant wishes to make his garden area more private and that the area to the side of the house has been the subject of littering and anti-social behaviour. However, it is likely that these matters could be addressed in a less harmful way to the proposed development and accordingly limited weight is given to them.
10. I note that representations were received from Clifford Parish Council and that none were received from Boston Spa Parish. Be that as it may the Council was obliged to consider these comments when it determined the planning application, and so am I. The absence of harm to nearby occupiers' living conditions and to highway safety are neutral matters, as is the absence of representations from nearby occupiers. Such matters neither weigh in favour of, or against the proposal.
11. I therefore conclude that the proposed development would harm the character and appearance of the local area, and would therefore conflict with Policy P10 of the Leeds Core Strategy (2014), saved Policies GP5, N25 and BD6 of the Leeds Unitary Development Plan (2006), Policy DEV2 of the Clifford Neighbourhood Plan, the Leeds Householder Design Guide (2012) and paragraph 130 of the Framework, which together seek to ensure that developments are of high quality and are sympathetic to local character.

Conclusion and Recommendation

12. The proposed development conflicts with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR