

Appeal Decision

Site Visit made on 15 June 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/N4720/W/21/3269467

56 Green Lane, Whitkirk, Leeds LS15 7EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr N Hague against Leeds City Council.
 - The application Ref 20/03226/FU, is dated 4 June 2020.
 - The development proposed is one attached dwelling to one semi-detached, two storey, three bedroom, house to the existing semi-detached dwelling.
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Decision

1. The appeal is dismissed and planning permission for one semi-detached, two storey, three bedroom, house to the existing semi-detached dwelling is refused.

Preliminary Matters

2. Part E of the appeal form details that the description of development has not changed from that stated on the application form. However, a different description of development has been entered. I have used the description of development entered on the application form because this is what has been applied for.
3. This appeal results from the failure of Leeds City Council to determine the application within the prescribed time period. The Council's Statement of Case details that, had the council determined the application consent would have been refused, referring to matters relating to the design, height, width scale and detailing of the proposed development on the character and appearance of the area.

Main Issue

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

Reasons

5. The appeal site forms part of the garden of 56 Green Lane which itself is one half of a pair of semi-detached houses. The surrounding area is largely residential in character, made up of properties of a similar size and character.
6. I saw at the site visit that as a result of the surrounding layout and orientation of adjacent dwellings, the plot of No.56, appears to be slightly larger than that of many other properties in the area. The appeal proposal would introduce a new house into the gap between No.56 and the neighbouring property at 54 Green Lane.

7. The gap between Nos. 56 and 54 is detailed by both parties is being greater than between the other pairs of semi-detached houses on Green Lane. Nonetheless the gap is not so substantial as to accommodate the insertion of the appeal proposal and still maintain a comparable, to that found elsewhere, open gap to the neighbouring property.
8. The change from the existing open semi-detached dwellings to a block of three properties in a terrace, would lead to a loss of the open character of the area and the visual balance to the overall frontage of semi-detached dwellings on this part of Green Lane.
9. The proposed dwelling would use similar materials to No.56, with a rendered upper floor and brickwork ground floor, and would include many of the architectural features of the neighbouring properties including the size and proportion of the windows. However, the proposed dwelling would have a setback in the front elevation, the appellant details that this design is an effort to present the appeal scheme as an extension to No.56 and to appear subservient. Nonetheless as a result the appeal scheme would have a more complex and extensive roof structure in contrast to the simple existing form and that found elsewhere locally.
10. I therefore find that for the reasons detailed above the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Core Strategy Policy P10, saved Unitary Development Plan Review Policies GP5 and BD6, the Neighbourhoods for Living SPG and the Householder Design Guide that amongst other matters seeks new development that is of good design and appropriate to its location.

Other Matters

11. I note that the appellant has previously been granted a Certificate of Lawful Development¹ regarding a single storey extension to the side and rear of the existing dwelling. The extensions are shown on submitted plans and are notably more modest in size and scale than the appeal scheme and are not a fall-back scheme that could justify the harm of the appeal scheme that I have previously identified.
12. I note that the appellant has made alterations to the proposal following earlier decisions by the Council and at appeal. As a result, fewer matters are at dispute between the parties in this instance. However, that the appeal scheme is not considered by the parties to harm the living conditions of the occupiers of neighbouring properties and highway safety is neutral and the absence of harm does not weigh in favour of the appeal scheme.

Conclusion

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

Mr M Brooker

INSPECTOR

¹ 17/04993/CLP - 2 October 2017