



Appeal Decision

Site visit made on 24 August 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/N4720/D/21/3276541

2 Shadwell Park Avenue, Shadwell, Leeds LS17 8TL

- 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 Dastan Jaff against the decision of Leeds City Council.
 - The application Ref 21/02732/FU, dated 29 March 2021, was refused by notice dated 24 May 2021.
 - The development proposed is a one and a half storey extension and detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has indicated that amended plans, which proposed alterations to the fenestration, were submitted to the Council on 24 May 2021. The decision notice is dated 24 May 2021 and makes no reference to the amended plans thus it is unclear whether they were before the Council when it made its decision.
3. I have however considered the amended plans under the principles established by Wheatcroft¹, which are further explained in the Procedural Guide: Planning Appeals – England (Annexe M.2.2). The amendments would change the nature of the proposed development to such a degree that to consider them would unacceptably prejudice those who should have been consulted on the change. This includes the Council and local residents. On that basis, and in the interests of procedural fairness, I have dealt with this proposal on the basis of the plans that were originally submitted with the planning application.
4. The revised National Planning Policy Framework (the Framework) was published in July 2021. This has replaced the 2019 iteration. Whilst there have been some changes to content and thus paragraph numbers, the substance of the Framework as it relates to the main issue of the case has not changed. I have not therefore sought the views of the main parties since, for these reasons, their respective cases would not be prejudiced. I have proceeded on this basis, given that the Framework is a material consideration in this case.

Main Issue

5. The effect of the proposal on the character and appearance of the area.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

6. The appeal property is a detached dormer bungalow occupying a prominent corner plot within the northern part of the Shadwell Parks character area, which is predominantly characterised by detached properties finished in a light buff brick, with generous space to the front. The appeal dwelling reflects these characteristics.
7. The proposed development would significantly extend the host dwelling to the side at ground and first floor level. It would have a substantial width, projecting beyond the building line to within close proximity of the side boundary with Shadwell Park Avenue. The erosion of the space to the side, which currently creates a sense of spaciousness to this corner with Shadwell Lane, would appear at odds with the layout of built form in the locality and would appear overly dominant in the street scene.
8. Furthermore, due to its substantial width and height, the sloped roof would have an excessive coverage. Along with the proposed flat roof, which would be considerably larger than the existing dormer and other examples of flat roofs in the locality, the proposal would appear top heavy and uncharacteristically prominent and incongruous in the street scene. The extensive use of render would further exacerbate the proposal's visually intrusive appearance.
9. The mature boundary hedge would screen some of the proposed development. However, due to its scale it would still be readily apparent, particularly when travelling north towards the site along Shadwell Park Avenue. Moreover, landscaping is not permanent and is insufficient in itself to justify uncharacteristic development.
10. The proposed north elevation, chimney design and the proportions of the garage would be sufficiently detailed to ensure they respect the context of the wider area. However, these matters do not overcome the harm I have identified above.
11. I note there are examples of properties that are rendered and have different characteristics along Shadwell Lane. They are however read in a different context to the appeal site. The example at 19 Shadwell Park Avenue appears to reflect the characteristics of the wider area through the predominant use of similar materials and it does not encroach on the space to the front as the appeal proposal would. As such, these examples do not serve to justify the appeal proposal.
12. Taking all the above into consideration, the proposed development would harm the character and appearance of the wider area and would conflict with Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan (November 2014), Policy HCL3 of Shadwell Neighbourhood Plan 2020-2033, saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) and the guidance within the Householder Design Guide, Supplementary Planning Document (April 2012). Collectively, these policies and guidance seek to ensure that developments respect the character, scale, design, layout and local distinctiveness of its context. It would also conflict with the requirement of the Framework to achieve good design.

Other Matter

13. It is acknowledged that no objections have been received and no concerns are raised in terms of amenity or highway safety. Nor is the appeal site within a conservation area, the Green Belt or within the setting of heritage assets. However, these are neutral matters which do not weigh in favour of the proposed development.

Conclusion

14. The proposal would conflict with the development plan and there are no material considerations that outweigh this conflict. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

H Ellison

INSPECTOR