
Appeal Decision

Site visit made on 18 October 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv MRTPI

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2021

Appeal Ref: APP/N4720/D/21/3278712 64 Watson Street, Morley LS27 0AJ

- 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 Damian Maclean against the decision of Leeds City Council.
 - The application Ref 21/03461/FU, dated 20 April 2021, was refused by notice dated 16 June 2021.
 - The development proposed is roof alteration and loft conversion.
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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.

Main Issues

3. The effect of the proposal upon the character and appearance of the host property and the street scene and upon the living conditions of the occupants of No 15 Frensham Avenue (No 15) with regard to the effect on levels of sunlight and the outlook from that property.

Reasons for the Recommendation

Character and appearance

4. No 64 is a two-storey detached dwelling located at the end of Watson Street in Morley. The property is accessed at the rear along with Nos 60 and 62 Watson Street via a private drive off Watson Street. Along with the neighbouring properties, it fronts a public footpath and open green area.
5. The surrounding area is residential and is characterised by a mix of gabled roof two-storey detached and semi-detached dwellings. Nos 60, 62 and 64 form the street scene context when viewed from the open green area to the south. Though the appeal property differs from the other two on this row in that it has a part first floor side extension and a two-storey side extension, the properties have a similar ridge height.
6. The increase in roof height would result in the dwelling having a ridge line higher than Nos 60 and 62 Watson Street and it would have a prominent and

discordant appearance when viewed in conjunction with those adjoining properties. Due to its bulk and mass, the roof would appear disproportionate in scale and top heavy which would be harmful to the appearance of the dwelling. Consequently, the design would be harmful to the appearance of the host property and would not accord with Policy HDG1 of the Householder Design Guide Local Development Framework Supplementary Planning Document (April 2012) (the 'SPD'), which states that all extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality and that particular attention should be paid to the roof form and roof line.

7. I acknowledge that there would be limited views of the roof alteration from the road section of Watson Street. However, the requirement for good design is not limited to elements visible from public vantage points. Furthermore, the proposal would be seen from the public footpath as well as from views across the open grassed area from Harlington Road and Elvaston Road and from these vantage points the harm to the character and appearance of the host property and the street scene would be apparent.
8. The appellant also draws attention to the roof alterations at No 17 Frensham Avenue¹ which I was able to see at my site visit. However, I cannot be certain whether the balance of considerations in that case, including the adopted development plan policy context, is comparable with the case before me. Each proposal is considered according to its own merits and I have determined the appeal in accordance with the development plan, based on the circumstances of the site and the details before me.
9. I find that the development would cause material harm to the character and appearance of the host property and the street scene. Accordingly, it would conflict with Policy P10 of the Core Strategy (Selective Review 2019) and saved policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) (the 'UDP') which seek amongst other things to ensure that the size, scale, design and layout of a new development is appropriate to its context and respects the character and quality of surrounding buildings. There would also be conflict with the provisions of the National Planning Policy Framework (NPPF) to secure good design which adds to the overall quality of an area.

Living conditions

10. By virtue of its position to the east of No 15, the increase in the height of the appeal property would result in an increase in the area of shadow cast over No 15's rear garden area, particularly during the morning period. Due to its additional bulk and height, the side gable would also appear overbearing and would increase the sense of enclosure when viewed from the rear windows and garden of No 15, which would be harmful to the living conditions that the occupiers could reasonably expect.
11. The appellant contends that there would be a very minimal effect on the residential amenity of the occupiers of No 15 from overshadowing because the eaves and gutter heights are to remain as existing. However, it is the ridge height which constitutes the overall height, and which would cast additional shadow, making the garden area less pleasant to use.

¹ 23/686/04/FU

12. I find that the proposal would have a materially harmful effect upon the living conditions of the occupants of No 15 with regard to overshadowing and harm to outlook. Consequently, it would not accord with the objectives of Policy HDG2 of the SPD which seeks to resist harm to the existing residential amenity of neighbours from excessive overshadowing, overdominance or overlooking. It would be contrary to Policy GP5 of the UDP which seeks amongst other things to ensure proposals for new development avoid loss of amenity. There would also be conflict with the provisions of the NPPF to ensure a high standard of amenity as part of new development.

Other matters

13. The appellant states that the proposal is needed to secure additional living space. However, these are personal circumstances which can change over time. Accordingly, I do not consider that the circumstances advanced in this case are sufficient to outweigh the harm that would be caused to the character and appearance of the host property, the street scene and the living conditions of No 15's occupiers and the conflict with the development plan.
14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

Sarah Housden

INSPECTOR.