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# Appeal Decision

Site visit made on 9 December 2021

**by A Caines BSc (Hons) MSc TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 December 2021**

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**Appeal Ref: APP/N4720/W/21/3281860**

**1 Park Gate Close, Horsforth, Leeds LS18 5SS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
  - The appeal is made by Mr Stuart Marshall against the decision of Leeds City Council.
  - The application Ref 21/05467/DPD, dated 20 June 2021, was refused by notice dated 27 July 2021.
  - The development proposed is "Prior Approval for enlargement of a dwellinghouse by construction of an additional storey; the development will go 2.5m above the highest point of the existing roof".
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by the appellant against the Council. That application is the subject of a separate Decision.

## Preliminary Matters

3. The details on the submitted application form are not available to me. Therefore, for the purposes of the information in the banner heading, I have relied on the appellant's appeal form and the Council's decision notice.
4. Schedule 2, Part 1, Class AA of the GPDO permits the enlargement of a dwellinghouse consisting of one storey by the construction of one additional storey. Development is permitted under Class AA subject to certain limitations and conditions, including the requirement that the developer applies for prior approval to the local planning authority in relation to a number of matters.
5. These prior approval matters include the impact of the development on the amenity of any neighbouring premises. The occupants of 3 Park Gate Close have objected to the proposal on grounds including the impact on light and outlook. However, the Council consider that the proposal would not unduly affect the amenity of the occupants of any neighbouring property. Having visited the site, and seen the relationship to neighbouring properties, I have found no reason to disagree with the Council's judgement on this matter.
6. Included in the Council's refusal reasons is the failure to submit a report for the management of the construction of development. However, the Council has since acknowledged that this is only a condition of section AA.2 of Class AA to be met before beginning the development, rather than a prior approval matter. Consequently, this is no longer a contested matter in this appeal.

## **Main Issue**

7. The main issue in this appeal is whether or not the external appearance of the dwellinghouse would be acceptable.

## **Reasons**

8. The appellant contends that the wording of paragraph AA.2(3)(a)(ii)(aa) confines any considerations relating to the external appearance of the dwellinghouse solely to the design and architectural features of the principal elevation and any side elevation that fronts a highway, drawing attention to two appeal decisions to support this narrow interpretation.
9. However, the list within paragraph AA.2(3)(a)(ii) is prefaced by the word including, which indicates that it is not a closed list, and that other factors may be taken into account. Moreover, analysis as to whether the external appearance of a building is acceptable is intrinsically linked to its surrounding context, and what may be appropriate on one site may not be on another. Consequently, it will not always be sensible or appropriate to consider the external appearance of the building in isolation, and the street context may often be an aspect of the building's external appearance that requires consideration. As such, I have taken account of the effect of the proposal in relation to neighbouring buildings and the streetscene, and I note this is consistent with the approach taken in more recent appeal decisions as referred to by the Council.
10. In this case, the appeal property is a detached bungalow with typically wide gables and a reasonably shallow sloping roof. It occupies a prominent position at the entrance to Park Gate Close, with elevations facing both Park Gate Close and Hall Lane. It is significant that Park Gate Close is a short cul-de-sac comprising entirely of bungalows. These single-storey buildings form a small distinctive group with each building having reasonably consistent height, bulk and character. This clearly distinguishes the houses in Park Gate Close, including the two 'gateway' houses facing Hall Lane, from the adjoining two-storey housing on Hall Lane.
11. The proposal would raise the roof of the building by about 2.5m and would add a first floor, including a large inset balcony area within the gable facing Hall Lane. This would fundamentally alter the scale and appearance of the front and side elevations. When approaching from both directions along Hall Lane, and from within Park Gate Close, the raised ridge and two-storey appearance of the front and side elevations would have an imposing presence and would appear out of character with the fairly uniform scale and appearance of the single-storey buildings that characterise Park Gate Close. Furthermore, due to its width and much shallower roof slope, the proportions of the front gable elevation would appear at odds with the front gables of other two-storey houses along Hall Lane. The uncharacteristic balcony area would further increase the incongruity of the development in the Hall Lane street scene. These effects would not be effectively mitigated by the boundary hedge.
12. Thus, in the context of this street scene, the external appearance of the principal and side elevation of the dwelling, in particular the design in the context of this site and the surroundings, would have a harmful impact on the character and appearance of the adjoining area.

13. I recognise that some element of change is implicit in the permitted development rights. However, this does not negate the requirement to address the conditions placed on development permitted under Class AA, including the need to assess the effect of the development on external appearance. It is clear from these requirements that approval for additional storeys should not be seen as a foregone conclusion.
14. I therefore conclude that the external appearance of the principal and side elevations of the dwelling, in particular the design in the context of this site and the surroundings, would have a harmful impact on the character and appearance of the area. In this respect, the external appearance of the dwellinghouse would be unacceptable.
15. Whilst not decisive, the proposal would also conflict with the Framework as it would not be sympathetic to local character and would not add to the overall quality of the area.

### **Conclusion**

16. For the reasons set out above, I conclude that prior approval should not be granted and, therefore, that the appeal should be dismissed.

*A Caines*

INSPECTOR