



Appeal Decision

Site visit made on 20 December 2021

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 7th January 2022

Appeal Ref: APP/N4720/D/21/3288403

5 Cross Chapel Street, Headingley, Leeds LS6 3JE

- 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 Lee Gibson against the decision of Leeds City Council.
 - The application Ref 21/06224/FU, dated 17 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is alterations including enlarged dormer to front; dormer window to rear; removal of the existing chimneys
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Decision

1. The appeal is allowed and planning permission is granted for alterations including enlarged dormer to front; dormer window to rear; removal of the existing chimneys at 5 Cross Chapel Street, Headingley, Leeds LS6 3JE in accordance with the terms of the application, 21/06224/FU, dated 17 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans.

Main Issue

2. The main issue is whether the proposed development would preserve the character or appearance of the Headingley Conservation Area (HCA).

Reasons

3. The appeal property is a modest red-brick, mid-terraced property featuring a small dormer on its front elevation. The proposal seeks to remove the chimney and small dormer on the front elevation and replace with a larger dormer measuring 3.6m (width) x 1.7m (height) x 2.9m (depth)¹¹. A second, slightly larger dormer is proposed to the rear elevation fronting Ash Avenue.
4. I have not been provided with a Conservation Area Appraisal for the HCA. Instead, the Council has referred me to the Householder Design Guide (HDG).

¹¹ Total volume 8.87m³

This states that dormers should be subordinate to the main property rather than dominating the roof and respect features of the existing house including its appearance, symmetry and fenestration pattern.

5. The Appellant advances two main arguments in support of the appeal scheme. Firstly, that the scale and design of both the front and rear dormer adhere to the above-mentioned guidance. Secondly, such is the prevalence of dormer windows in the locality, that a clear precedent for the proposals has already been set.
6. Dealing with the latter first, the Design and Access Statement submitted with the application, contains an aerial photograph of the surrounding area. This shows that the terrace streets to the west contain close to fifty dormer windows. Irrespective of when these were approved, the photograph provides compelling and incontrovertible evidence that dormer windows are an established form of development in the locality both within and immediately outside the HCA. They cannot simply be dismissed on the basis that they were approved under a different planning regime and would not be approved now. Whilst that might well be true, dormer windows evidently form part of the urban fabric of this part of the HCA and it would be remiss of me not to consider them accordingly.
7. Whilst I accept that many of the dormers highlighted by the Appellant are more modest structures than those proposed here, it is also fair to say that there is not a consistent architectural approach. Indeed, I noted several large 'box-like' dormers in very close proximity to the appeal site for example on Ash View/Avenue/Terrace/Road and Back Ash View.
8. In terms of the HDG and the design of this particular scheme, I have some sympathy with the Council's position. There is little doubt the proposed front dormer would be more conspicuous than its predecessor. To the rear, the introduction of a dormer would be readily visible from Ash Road/Avenue. However, as I observed on my site visit, the rear of the terrace does not have what could reasonably be described as a symmetrical appearance. Both dormers would be set down from the ridge and above the eaves of the front/rear roof slopes. They would also be set in from the side boundaries of the host property. As a result, a reasonable amount of the existing roof would be retained above, below and to the side of the dormers. Thus, I do not consider that the dormers would be disproportionate.
9. I have noted the Council's concerns about the removal of the chimney stacks. However, as shown on the plans, only half the width of the stack would be removed on the front elevation². Accordingly, the same basic arrangement would be retained to the front elevation. Although the removal of the rear stack would alter the dynamics of the immediate roofscape, I am not persuaded this would result in any significant harm given the irregular and somewhat unplanned appearance of the rear elevation.
10. Whilst there are aspects of the proposal that conflict with guidance in the HDG, I am cognisant of, and give weight to the particular character of this part of the HCA which undeniably includes a wide variety of dormer windows. In that context, I conclude, on balance, that the development would preserve the

² The other half of the stack appears to be within the ownership of the neighbouring property and outside the red-line boundary

character and appearance of the HCA. Accordingly, there would be no conflict with Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review) 2006, Policies P10 and P11 of the adopted Core Strategy, Policy HDG1 of the HDG or the National Planning Policy Framework. There would also be no conflict with the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

11. In the interests of planning, to provide certainty and to ensure the satisfactory appearance of the development, I have imposed the three standard conditions suggested by the Council.
12. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector