



Appeal Decision

Site visit made on 10 January 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/N4720/D/21/3282740

80 Daleside Road, Stanningley, Pudsey LS28 8HA

- 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 J Rothschild of ConstructaBuild Ltd against the decision of Leeds City Council.
 - The application Ref 21/03072/FU, dated 31 March 2021, was refused by notice dated 24 June 2021.
 - The development proposed is described as a retrospective application for two storey rear extension, full width box dormer to rear, roof windows to front, side window, replacement windows throughout, paving of front garden and new driveway across Council margin.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I observed that development of the two storey rear extension and rear dormer had commenced and both appeared to be substantially complete. I also note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.
3. The Council's first reason for refusal refers to discrepancies between the submitted proposed plans and what has been constructed on site. I accept that there are some minor discrepancies, including in respect of the position of the two storey rear extension relative to the boundary with 82 Daleside Road, the size of the rear dormer, and details of fenestration. Nevertheless, these relate to relatively minor details and I consider that the plans I have before me are sufficiently clear to enable me to reach a view on the proposals.
4. The Council has only raised objections with regard to the two storey rear extension and rear dormer. I agree with this approach and I have, therefore, limited my assessment to the planning merits, or otherwise, of these two elements alone.
5. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. However, it does not materially alter the national policy approach in respect of the issues raised in this appeal.

Main Issues

6. The main issues are the effect of the development on the character and appearance of the host property and the surrounding area; and on the living

conditions of the occupiers of 78 and 82 Daleside Road, with particular regard to outlook and light.

Reasons

Character and Appearance

7. The appeal property is a two storey, semi-detached dwelling set within a row of similar properties on the western side of Daleside Road in a predominantly residential area. Although there is a mixture of styles of semi-detached and terraced properties in the wider area, pitched or hipped roofs are a characteristic feature. Properties on this side of the road are generally set well back from the road with consistent building lines which, together with the large green open space to the rear, contributes positively to a spacious character.
8. The two storey rear extension projects around four metres from the original rear wall of the property and extends across the full width of the rear elevation. It includes two bedroom windows to the rear elevation above patio doors. The flat roof box dormer extends across almost the whole width of the rear roof slope and includes an overhanging roof. There are two large windows positioned in its rear elevation serving a bedroom.
9. The two storey extension is a substantial and unduly dominant addition to the rear of the building. Due to its size, the dormer extension conceals much of the original rear roof slope and increases the bulk of the roof structure of the host property. I find the overall size of the two storey rear extension and dormer extension to be excessively large and out of proportion to the host property. The form and massing of the original building have been significantly disrupted and the proposals fail to respect the general scale of the residential built form of the area.
10. The flat roof design of the two storey extension is an uncharacteristic feature which sits uncomfortably against the original property and its immediate neighbours, all of which have pitched roofs. The eaves of this proposal are positioned slightly above the eaves of the original property and the attached neighbour, which is an awkward design detail, further detracting from the appearance of the building. In addition, there is a noticeable difference in colour between the brickwork used in the construction of the two storey rear extension and the original property, which exacerbates the visual effects of this proposal.
11. Furthermore, the windows in the rear dormer are much larger than, and do not align with, the windows to the rear elevation of the two storey extension below, which emphasizes the incongruity of the proposals.
12. Apart from glimpsed views from Daleside Road in the gap between the host property and No. 78, the two storey extension and dormer are not highly visible in the street scene. However, the development is still very noticeable and discordant when viewed from the rear garden of the appeal property, neighbouring properties and the open land to the rear.
13. The appellant states that the proposals are reflective of similar extensions approved in the locality, however no specific examples have been referred to. Accordingly, I cannot draw any direct comparison between these and the appeal proposal and so cannot be sure they represent a direct parallel to the proposal. In any case, I have determined the appeal on its own merits.

14. For the above reasons, I conclude that the development is harmful to the character and appearance of the host property and the surrounding area. Accordingly, there is a conflict with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review (2019) (CS), saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006) (UDP), and Policy HDG1 of the Leeds City Council Householder Design Guide, Supplementary Planning Document (2012) (SPD). Amongst other things, these policies and guidance seek to ensure that development is of good design which respects the character of the original building and the surrounding area. The development is also contrary to the Framework, where it seeks to achieve well-designed places.

Living Conditions

15. The appeal property is bounded to the north by No 78, which is positioned on slightly higher ground than the appeal property, and by the attached neighbouring property, No 82, to the south. Both neighbouring properties include rear windows at ground and first floor level. No 78 also includes a rear conservatory, which is set away from the boundary with the appeal site, and an adjoining patio area.
16. The two storey rear extension projects a significant distance from the rear elevation of the property and extends up to the boundary with No 82. Given its scale, massing and proximity to the boundary, the two storey extension appears as an imposing feature when viewed from the rear of No 82, particularly from the rear patio doors serving a living area and the first floor bedroom window closest to the boundary with the site. This significantly reduces the neighbour's outlook resulting in an unacceptable overbearing impact and an uncomfortable sense of enclosure. For the same reason, the proposal also reduces the level of light to the rear of the neighbouring property, particularly the neighbour's patio doors.
17. Although the two storey extension maintains a small gap from the boundary with No 78, due to its projection from the rear elevation and height, it presents a large expanse of brick wall which is overbearing and results in a loss of outlook to the neighbour's ground floor rear window and rear conservatory. As the extension is situated to the south of No 78, there is also loss of light to the rear of the property due to an overshadowing effect. I note the difference in ground levels between the appeal site and that of No 78. However, I do not consider that the slightly lower ground level of the appeal site materially reduces the harm to outlook and light.
18. Furthermore, due to its height and proximity, the two storey rear extension also diminishes the outlook and light from those parts of the neighbours' rear gardens closest to it, particularly the patio area to the rear of No 78.
19. For the above reasons, I consider that the two storey rear extension results in significant harm to the living conditions of the occupiers of Nos 78 and 82 Daleside Road in terms of outlook and the amount of light. It is therefore contrary to Policy P10 of the CS, saved Policy GP5 of the UDP, and Policy HDG2 of the SPD, which, amongst other things, seek to protect the amenity of neighbouring residents. The proposal is also contrary to paragraph 130 of the Framework, where it requires development to provide a high standard of amenity for existing and future users.

Other Matters

20. Interested parties have raised other concerns with the proposals, including in relation to land ownership and the quality of the build, which are not within the remit of this appeal decision.
21. Although I appreciate that the proposals provide enlarged accommodation within the property, this is at the expense of the character and appearance of the property, the surrounding area and the living conditions of the neighbours. Therefore, this consideration does not outweigh the harm that I have identified.

Conclusion

22. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR