



Appeal Decisions

Site visit made on 18 January 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal A Ref: APP/N4720/W/21/3282612 36 West Park Avenue, Roundhay, Leeds LS8 2EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr H Rahim against the decision of Leeds City Council.
 - The application Ref 21/00427/FU, dated 15 January 2021, was refused by notice dated 2 August 2021.
 - The application sought planning permission for the erection of a detached house without complying with a condition attached to planning permission Ref 19/06108/FU, dated 5 March 2020.
 - The condition in dispute is No2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Appeal B Ref: APP/N4720/W/21/3286907 Land adjacent to 36 West Park Avenue, Roundhay, Leeds West Yorks LS8 2EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr H Rahim against the decision of Leeds City Council.
 - The application Ref 21/07246/FU, dated 25 August 2021, was refused by notice dated 28 October 2021.
 - The application sought planning permission for the erection of a detached house without complying with a condition attached to planning permission Ref 19/06108/FU, dated 5 March 2020.
 - The condition in dispute is No2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. Notwithstanding the slight difference in the addresses used for the same land, there are two appeals on this site as set out above. They differ only in the detail of the design of the proposed dwelling. Both appeals seek to vary the approved plans for the design of a detached dwelling previously granted

planning permission on the site. Whilst addressed in the same decision letter, I have considered each proposal on its individual merits.

3. At the time of my site inspection the development had commenced with a large part of the ground floor slab and walls in place. From the information before me it is unclear whether the works are consistent with the approved scheme. For the avoidance of doubt, I have determined the proposals on the basis of the plans submitted with the individual planning applications and on which all relevant parties were consulted.
4. According to the appellant, the works proposed under both appeals will require an existing highway/public right of way to be extinguished. This matter lies outside of the scope of this appeal and nothing within my decisions conveys any right or restriction in that respect.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the locality.

Reasons

6. The site is located within a residential area of detached and semi-detached dwellings. The buildings, some of individual design and others with common design attributes, are comprehensively laid out and set behind enclosed front gardens with private amenity spaces to the rear. The broad separation of the buildings across the wide estate roads provides a sense of spaciousness to the locality.
7. The plot consists of a former side garden area, now separated from 36 West Park Avenue, and a strip of land alongside an unmade track which is a continuation of West Park Road providing a route on to West Park Drive East. The site sits in a row of similarly proportioned and finished buildings along the northern side of the Avenue. Although many of the buildings have seen various forms of extension and alteration, they retain a degree of uniformity on account of common design characteristics, their scale and external materials.

Appeal A

8. The proposal would introduce a detached dwelling located close to the western boundary of the site. The 2-storey building, with rooms in the roofs space would have a similar frontage width to nearby neighbouring properties. It would sit in consistent alignment with the projecting bays and porches of the neighbouring properties such that the upper floor would project forward of the main building line.
9. The proposed ground floor would be of significant depth and extend much deeper into the plot than the neighbouring buildings. At first floor level, the proposal would extend some way past the consistent line of the rear elevations of the adjacent buildings on the northern side of the road. Consequently, the proposed side gables would be significantly deeper than those of neighbouring properties.
10. As a proposal designed to be at no greater overall height to the neighbouring houses, this would result in a lower roof pitch and an uncharacteristically low-spreading roof. Despite the forward position of the front eaves line, the main

ridgeline would lie behind the consistent line of ridges on this part of the road. The contrary roof pitch and misalignment would cause the proposal to stand out as an inharmonious element against the consistent pitch and alignment of roofs within the row.

11. The large depth of the upper side elevations would give rise to a significantly greater sense of massing compared to existing development on this part of the road. From the informal public pathway, the low roof pitch and wide gable would be emphasised by the elongated cheeks and ridgelines of the rear dormer windows. This would cause the building to appear to be of excessive depth at first floor level.
12. Whilst I note that there are examples of other building forms and scales elsewhere in the locality, these lie in pockets of more individually styled buildings. Their locational circumstances are different to the more consistent character and appearance of development on this part of West Park Avenue. Accordingly, those other examples are not a good reason to find in favour of a development which would jar with the prevalent character of development on this part of the Avenue.
13. For the above reasons, I find the proposed scheme would cause the development to appear excessively scaled in the context of consistently more modest neighbouring properties. This would cause it to stand out as a discordant feature in a prominent location and contrast with the prevailing character and appearance of housing development on this part of the road. It would conflict with Policy P10 of the Leeds City Council Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019) [2019] (CS), saved Policy GP5 of the Leeds Unitary Development Plan (UDP), the Neighbourhoods for Living Guide for Residential Design in Leeds Supplementary Planning Guidance (SPG) and the National Planning Policy Framework (the Framework) as they seek high quality design that is appropriate to its location and respects the character and quality of surrounding buildings.

Appeal B

14. The proposed dwelling would provide a combination of single and 2-storey accommodation on the site. The front and sides of the building would be formed from single-plane elevations, whilst the rear elevation would be stepped to accommodate the larger ground floor area extending deep into the site. Externally, the building would be finished in similar materials to nearby houses.
15. The principal elevation of the building would have similar proportions to the neighbouring dwellings and is located in alignment with the projecting bays and porches of the nearby neighbouring properties. This would result in the upper floor standing slightly proud of the existing strong building line.
16. The consolidated form of the building would extend rearward of the main building line on the northern side of the road to give a greater depth of ground and first floor accommodation than the characteristic buildings within the row. The larger depth of the first-floor accommodation would necessitate a bigger roof span and result in a roof at odds with the consistent proportioning and pitching of roofs on this part of the street.
17. Furthermore, in combination with the unalleviated single plane of the front elevation, the associated deep gables would create a significant sense of

massing that would contrast sharply with the existing scale of neighbouring development. Unlike the majority of larger buildings in the locality, some of which are as a result of extensions, the greater massing would not be broken up by projecting bays, porches or similar; nor would it be composed of recessive or subordinate elements to temper the overall perception of scale.

18. At my site visit, I observed that the position of the eastern elevation would lie some distance from a spreading conifer hedge abutting the trackside. The plot boundary is shown to extend to the centreline of the track. However, some sense of space would be retained on account of the set back position of the gable and the large gap to the building at 34 West Park Avenue. Although the proximity to the path would be closer than examples of other corner plots elsewhere in the locality, those are plots alongside formally laid out roads and pavements. They are therefore distinct from the circumstances of the appeal site which would present as part of a continuous row.
19. As a building designed for domestic use and following the general alignment and pattern of local development, I find it would not appear cramped in its context. However, in a line of similarly proportioned buildings, the additional scale, increased sense of massing, forward position and contrary roof angle would cause it to appear unsympathetic to and at odds with the largely consistent character and appearance of development on this part of the road. In turn, this would result in a conspicuous form of development in its prominent position within the streetscene.
20. For the above reasons, I find the proposal would conflict with Policies P10 and P12 of the CS, saved Policies GP5 and BD5 of the UDP, the SPG and the Framework as they seek high quality design that is appropriate to its location and respects the character and quality of surrounding buildings and townscape.

Other Matters

21. I acknowledge the appellant's contention that the proposal would provide an additional degree of accommodation and that this could improve the overall function of the site. However, this benefit of the scheme is not necessarily dependent on the specific design of the proposals before me. It would not, therefore, outweigh the harm I have identified.
22. I note the representations received from some nearby residents in the respective cases. Comments received in support of the scheme are not benefits in favour of the development and they do not outweigh the significant harm I have identified above. I also note the wider concerns submitted by other third parties. However, pursuant to my finding on the main issue, my decision does not turn on those matters.

Conclusions

23. The proposals in both appeals would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeals should not be allowed.

R Hitchcock INSPECTOR