



Appeal Decision

Site visit made on 1 February 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Appeal Ref: APP/N4720/D/21/3281689

19 Gledhow Park Crescent, Chapel Allerton, Leeds LS7 4JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Brown against the decision of Leeds City Council.
 - The application Ref 21/03196/FU, dated 12 April 2021, was refused by notice dated 3 June 2021.
 - The application sought planning permission for part two storey part single storey side/rear extension with alterations without complying with a condition attached to planning permission Ref 18/06068/FU, dated 13 November 2018.
 - The condition in dispute is No 2 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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Decision

1. The appeal is allowed and planning permission Ref 18/06068/FU for part two storey part single storey side/rear extension with alterations at 19 Gledhow Park Crescent, Chapel Allerton, Leeds LS7 4JY, is varied by deleting condition No 2 and substituting for the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: 430-002 Rev P
 - 2) The external walling materials shall match those existing.
 - 3) The flat roof of the single storey extension shall not be used as a balcony or terrace area for its lifetime.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the windows proposed in the side elevation facing No.21 Gledhow Park Crescent shall be glazed with obscure glass to at least level 3 obscurity and thereafter retained as such.

Preliminary Matters

2. At the time of my site visit, development had commenced and alterations to the roof had been undertaken. I have assessed the appeal accordingly.
3. The front page of the Leeds Unitary Development Plan 2006 (LUDP) was not submitted with this appeal. At the same time, I have been dealing with another appeal in the Leeds City Council area which referred to Policies GP5 and BD6 of

the LUDP and the front cover was submitted with that appeal. I am therefore satisfied that I have the correct development plan policies before me in which to make a decision.

Background and Main Issue

4. The proposal seeks to vary condition 2 to allow alterations to the roof that has been built up and appears as a gable element to the front that projects up from the eaves line. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The area surrounding the appeal site is characterised predominantly by residential properties of various designs and architectural detailing. The roof forms in the area are mixed with numerous different styles including roofs with gable ends, hipped roofs and roofs with dormer style windows of various sizes and positions. It is this variation of different roof forms and styles that contributes to the character of the surrounding area.
6. The appeal property makes up a pair of semi-detached houses. The proposal does unbalance the symmetry of the pair of semi-detached properties however, there are numerous examples of semi-detached properties in the immediate area that are not balanced due to alterations including roof extensions. The unbalanced appearance of the appeal property and its attached neighbour, in the context of its surroundings, does not have a detrimental effect on the surrounding area.
7. The proposal does not follow the eaves line of the main property and is a more complicated roof form than the roof of the main property as well as that what was approved in the original planning application¹. Given the variation in the surrounding roof forms, the proposal is not an incongruous feature that looks out of place.
8. Accordingly, the proposal is not harmful to the character and appearance of the surrounding area. The proposal accords with Policy P10 of the Leeds Local Plan Core Strategy 2019, saved Policies GP5 and BD6 of the LUDP, Policy HDG1 of the Leeds Local Development Framework Householder Design Guide Supplementary Planning Document 2012 and the National Planning Policy Framework which seeks all extension, additions, and alterations to respect the scale, form, proportions, character and appearance of the main dwelling and the locality.

Conditions

9. Condition 1 is the modified condition that is subject of this appeal and relates to the modified plans as submitted. This condition is necessary in the interests of certainty. As development has commenced the standard timescale condition is not necessary. At the time of my site visit, there was no certainty that the development was fully completed therefore it is relevant and necessary to impose conditions relating to materials in the interests of character and appearance of the area. In the interests of living conditions of neighbouring occupiers I attach conditions relating to flat roof areas and obscure glazing.

¹ Local Planning Authority Reference: 18/06068/FU

Conclusion

10. I therefore conclude, for the reasons given above, that the planning permission should be varied.

Chris Baxter

INSPECTOR