



Appeal Decision

Site visit made on 16 December 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07/02/2022

Appeal Ref: APP/N4720/D/21/3283657

7 Congreve Approach, Bardsey, Leeds LS17 9BN

- 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 Grahame White against the decision of Leeds City Council.
 - The application Ref 21/05823/FU, dated 25 June 2021, was refused by notice dated 23 September 2021.
 - The development proposed is described on the application form as '1) Two storey rear extension 2) Single storey front extension 3) Bay windows 4) Vehicle crossover - repositioning (a direct application has been made to highways by the homeowner)'.
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Decision

1. The appeal is allowed and planning permission is granted for two storey extension with Juliet balcony to rear and first floor window to side, single storey extension and alterations to integral double garage to form habitable room including two bay windows one with balcony above, new driveway and repositioning of vehicle access to front at 7 Congreve Approach, Bardsey, Leeds LS17 9BN in accordance with the terms of the application, Ref 21/05823/FU, dated 25 June 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council has described the development as '*two storey extension with Juliet balcony to rear and first floor window to side; single storey extension and alterations to integral double garage to form habitable room including two bay windows one with balcony above, new driveway and repositioning of vehicle access to front*'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the area.

Reasons

4. The appeal property is a relatively large, detached L-shaped two storey dwelling with a driveway/paved area to the front. It is situated within a row of other detached dwellings some which are two storey and some which are bungalows. The surrounding area is predominately residential with the properties being a mix of detached, semi-detached two storey with varying

design styles with some having more uniform fenestration details than others. Some of these dwellings also have first floor balconies on their front or rear elevations.

5. The proposal would extend the property and increase its size considerably. It would also introduce first floor balconies to the front and rear elevations as well as install larger and higher fenestrations to these elevations. New windows would also be installed on the proposal's side elevations, but these would not be as large as those proposed for the main elevations.
6. The Council has raised concerns in relation to the proposed large fenestrations on the front and rear elevations as well as the proposed first floor balcony on the front elevation in that they would be out of keeping with the existing style and size of the existing windows of the host property and that they would also be at odds with those of the other properties in the area.
7. However, while none of the properties nearest the appeal property have large fenestrations or balconies on their front or rear elevations there are some properties in the area that do. In addition, these large fenestrations and balconies are also visible from the street. Consequently, while the proposed front balcony and the proposed large fenestrations to the front and rear elevations would not fully reflect the corresponding design details of the other properties on this part of Congreve Approach, they would not be at odds with those of other dwellings in the area.
8. In addition, one example cited by the appellant, no. 18 Congreve Way has a very similar large fenestration and balcony on its front elevation at first floor level. Further, as shown in the photograph in the appellant's statement, its existing windows on the same elevation appear to be of a different and smaller design style, like those on the front elevation of the appeal property. Furthermore, the Council has also granted planning permission for a proposal on First Avenue (Ref. 18/07565/FU) with a highly modern and contemporary design with very large fenestrations on its main elevations of a similar if larger style to that of the appeal scheme.
9. I also note that the proposed fenestrations would not be the same as the existing ones on the host property which would not strictly accord with the provisions of the Householder Design Guide Supplementary Planning Document (SPD) in this regard. However, one of the proposed larger grouping of windows on the front elevation would be a similar size to the existing garage door with the grouping on the other side being of a size complementary to it.
10. Additionally, the mid-point of the proposed larger fenestration above the front balcony would be of a similar height to the existing first floor windows on the other side of the front elevation of the host property meaning that these windows would be visually aligned in this regard. As a result, I find that the design of the proposed fenestrations on the front elevation of the host property would complement the more traditional one of the existing windows while at the same time providing high quality contemporary additions to the overall architectural style of the building.
11. The Council has also raised a concern that the proposed large fenestrations and balcony to the rear elevation could be viewed from the open land on the other side of the A58 (Wetherby Road). However, given the existing boundary treatment to the rear of the property, the hedgerow on the other side of the

road, the screening they would provide and the fact that the main visual receptors would more likely be passing pedestrians and vehicle passengers rather than ramblers, I consider that its visual impact when viewed from this direction would be limited. Furthermore, I have no substantive evidence before me to show that there are public rights of way on this piece of open land that are regularly frequented by countryside users or ramblers. As a result, I afford this consideration limited weight.

12. Consequently, I find that the proposed large fenestrations to the front and rear and the proposed front first floor balcony would not be out of keeping with the varied designs and styles of the properties in the area, which includes dwellings with larger fenestrations and balconies on their elevations of a style and design that are very similar. Accordingly, I find that the proposal would not have an adverse visual impact on the character and appearance of the host property or the area.
13. For similar reasons I consider the proposal to be of a high-quality design that respects the scale and character of existing buildings in the locality. Moreover, based on the evidence I also consider that the size, scale, design, and layout of the proposal, including the windows and balconies, is appropriate to its context and respects the character and quality of surrounding buildings, the streets and spaces that make up the public realm and the wider locality.
14. I also note that the larger fenestrations on no. 18 were approved prior to the adoption of the Core Strategy, the Bardsey Neighbourhood Plan, and the Householder Design Guide SPD. However, even so, for the reasons set out above I consider that the proposal would not have an adverse visual impact. Moreover, even though they were not recently approved these types of fenestrations still form part of the area's character and appearance, nevertheless.
15. I therefore conclude that the proposed development would not materially harm the character and appearance of the area. It would therefore not conflict with the relevant requirements of policy P10 of the adopted Core Strategy, policies LRE1 and BE1 of the Bardsey Neighbourhood Plan and saved policies GP5 and BD6 of the adopted Unitary Development Plan.

Other Matters

16. I note that Bardsey Parish Council have raised concerns in relation to the size of the proposal, particularly the two-storey rear extension and in relation to the living conditions of neighbouring occupiers. However, in their officer's report the Council has not raised any concerns in relation to these matters and from the evidence before me I see no reason to disagree. As a result, these matters do not outweigh or alter my findings on the main issue above.

Conditions

17. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. I have also imposed a condition requiring the use of matching materials in the interests of the character and appearance of the area.

18. In the interests of the living conditions of neighbouring occupiers I have also imposed necessary conditions to prevent the installation of additional new windows on the south western side elevation of the proposed two storey rear extension and requiring the approved windows on this elevation to be obscure glazed.
19. For the same reason I have also imposed a condition requiring the retention and maintenance of the existing boundary treatment to the north eastern shared boundary.
20. I have also imposed a condition requiring that the proposed footway crossings be constructed in accordance with agreed details in the interest of highway safety.

Conclusion

21. Whilst there would be some technical conflict with the requirements of the SPD, this would not clearly and demonstrably outweigh the proposal's overall compliance with the development plan when read as a whole. As a result, I conclude that the appeal should be allowed.

C Coyne

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No. 5410; Block Plan Drawing No. 5411; Floor Plans Drawing No. 5412; Elevations Drawing No. 5413.
- 3) 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.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Orders revoking and re-enacting that Order with or without modification) planning permission shall be obtained before any additional new windows are inserted in the south western side elevation of the proposed two storey rear extension.
- 5) The proposed footway crossings [and/or reinstatement to full height footway of any redundant existing crossings] along the site frontage will be constructed in accordance with details as agreed with Highways, as per the letter dated 11th March 2021. The crossings must be constructed in accordance with the approved details and be fully implemented prior to the first occupation of the development to the satisfaction of the Local Planning Authority.
- 6) 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 new windows as approved to the south western side elevation of the proposed extension and proposed new side window to the south western side elevation of the existing dwelling shall be glazed with obscure glass to at least level 3 obscurity and thereafter retained as such. In the interests of residential amenity.
- 7) Notwithstanding the details on the plan hereby approved the existing boundary treatment shall be Page 2 of 6 retained and maintained to the north eastern side boundary of the site, with 5 Congreve Approach, for the lifetime of the proposal. Should the existing hedge be damaged or die back details of a replacement boundary treatment shall be submitted in writing, within one month of the existing hedge being damaged or removed, for approval by the Local Planning Authority.

Once approved by the Local planning authority the approved scheme should be planted during the first appropriate planting season thereafter.

End of Schedule