



Appeal Decision

Site visit made on 17 January 2022

by Claire Megginson

an Inspector appointed by the Secretary of State

Decision date: 9th February 2022

Appeal Ref: APP/N4720/D/21/3285993

84 Austhorpe Road, Cross Gates, LEEDS, LS15 8DZ

- 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 Matthew Gale against the decision of Leeds City Council.
- The application Ref 21/05954/FU, dated 7 July 2021, was refused by notice dated 27 October 2021.
- The development proposed is described as 'to enlarge the dormers that are currently in place and create a new outbuilding at the side of the garage to use as a gym. We would like the front door to go as far forward as possible and to widen to approximately 4.2 metres (the height will remain the same). The rear we would also like to move as far forward as possible and to widen it to approximately 4.4 metres. The garage as it currently stands has 3.65m gap to the side of it before it reaches the boundary wall. Therefore, we would like to build another building next to it approximately 3 metres wide, leaving 65cm to the boundary, and to be 9 metres long. As we would like to connect to the garage roof to create a seamless building, the max height of the roof will be 3.7m but the eaves closest to the boundary will be approximately 2.4 metres high'.

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the host property and the street scene.

Reasons

3. The appeal site is a brick-built end terraced dwelling, located on the corner of Austhorpe Road and Marshall Terrace. The dwelling features a pitched tiled roof with existing dormer windows to the front and rear. A long rear garden with a detached garage is accessed from Marshall Terrace. The garden is screened by closed boarded fencing and a dwarf wall with hedging above. Planning consent was granted in 2014 to enlarge the dormer windows to front and rear and additionally consent was granted in 2020 for a two-storey side extension, which was not implemented at the time of my site visit.
4. Austhorpe Road features a series of long brick-built terraces on its southern side. These terraces are set back from the road, with front gardens surrounded by low fences and hedges. The northern side of the road is more irregular with detached, semidetached and terraced dwellings. Close by, to the west of the appeal site is a long shopping parade. Perpendicular to Austhorpe Road to the south are a series of similar brick-built terraces, such as those on Marshall Terrace.

5. Enlarged front and rear dormers are proposed at the appeal site to replace the existing dormer windows. However, the depth, width and height of the proposed dormer windows would dominate the roof, fundamentally altering its shape and unbalancing its form, particularly due to their combined effect and their prominent positioning on this end terrace property.
6. The size and positioning of the windows would also not reflect the existing windows of the property and would be contrary to guidance within the Leeds City Council Householder Design Guide Supplementary Planning Document (the SPD), which states that all extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. The resulting adverse effect on the character and appearance of both the property and the terrace would be readily visible in public views along Austhorpe Road and Marshall Terrace. As a result, the proposed dormer windows would harm the contribution of the house and the terrace, of which it forms a part, to the streetscene.
7. My attention has been drawn to other dormers in the area, including the front and rear dormers of the adjacent property No 82 and the rear dormers of No's 86 and 88. I accept that the principle of dormers is established as part of the character of the area, and indeed the host property itself. However, the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar dormers may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and I am of the opinion that the size of the proposed front and rear dormers combined would cause harm to the host property and to the wider area. I also note in this context that the dormers proposed appear to be wider than those in place on the adjacent property.
8. The proposed outbuilding would tie into the existing double garage and be placed at a right angle to the garage, projecting forward towards Marshall Terrace. The proposal is on the junction of Marshall Terrace and Back Austhorpe Road and although the garden is well screened with fencing, gates and hedging, the proposed outbuilding would still be readily visible from Austhorpe Road, Marshall Terrace and Back Austhorpe Road.
9. I appreciate that the proposed pitched roof design would match the existing garage; however, I consider that the size of the proposed outbuilding when added to the existing double garage would introduce a dominant and out of character form of development when viewed locally. The proposed outbuilding would project forward of the building line of the adjacent dwellings on Marshall Terrace and whilst I recognise that the consented two storey side extension to the main house may potentially do the same, this is not in the same proximity to the dwellings as the proposed outbuilding, which is separated only by Back Austhorpe Road.
10. I also recognise that there are a number of outbuildings to the rear of nearby houses, however, the majority of these are single garages of a simple design. On my site visit I saw no evidence of any of a similar size to the appeal proposal when combined with the existing double garage.
11. I note that the appellant states that the options available under permitted development should be considered when considering the appeal proposals. I have limited information on what permitted development rights are referred to in this case; moreover in any event I consider that potential additions which

may be made under permitted development powers do not justify the harm that the proposal would cause in this instance. It is open for the appellant to utilise such rights if they wish to do so.

12. I therefore conclude that the proposed front and rear dormers and outbuilding would unacceptably harm the character of the host property and the streetscene. This would be contrary to Policy P10 of the Leeds City Council Core Strategy (2019), saved Policies GP5 and BD6 of the Leeds UDP Review (2006) and the SPD. These policies seek to ensure that new development delivers high quality inclusive design that respects and enhances local distinctiveness. The proposal would also be contrary to the National Planning Policy Framework, which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Conclusion

13. For the reasons given above, having considered the development plan as a whole and all other relevant matters, I conclude that the appeal should be dismissed.

C. Megginson

INSPECTOR