



Appeal Decision

Site visit made on 1 February 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/N4720/D/21/3277689

74 Hall Park Avenue, Horsforth, Leeds LS18 5LU

- 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 Steve Bent against the decision of Leeds City Council.
 - The application Ref 21/02853/FU, dated 31 March 2021, was refused by notice dated 26 May 2021.
 - The development proposed is single storey rear extension, new second storey side extension. Internal alterations including extending existing kitchen, new utility room, new downstairs toilet, installation of steel beams and removal of some internal walls, new glazed flat roof windows/skypods. Formation of new bedroom above existing garage with new house bathroom. Existing second bedroom and house bathroom reconfigured to form new ensuite bedroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the host property and the surrounding area; and (ii) the effect of the proposal on the living conditions of the occupants of No.76 Hall Park Avenue (No.76), with particular reference to outlook.

Reasons

Character and appearance

3. The appeal site is within a predominantly residential area mainly characterised by both detached and semi-detached two-storey dwellings with open front gardens and driveways adjoining the pavements. The majority of dwellings within Hall Park Avenue share similar features of either having distinctive high front gable rooflines or of a chalet type with flat roof front and rear dormers. Many have been altered or extended but they retain spatial gaps between properties, which adds to the overall spaciousness and character of the street scene.
4. The appeal property forms a pair of semi-detached dwellings of similar appearance in width, of a chalet style and characterised with identical features including dormers. It has been extended with a side flat roof garage, directly along the common boundary with No.76 and a rear single storey extension. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local character.

5. The proposal would result in a two-storey extension to the side along the common boundary with No.76. Incorporating the existing garage and extending further back to wrap around the rear elevation to form a new single storey extension. Therefore, due to the siting of the two-storey extension it would result in no boundary separation distance at both ground and first-floor, failing to retain adequate visual space around the building.
6. The excessive length and width would significantly reduce the open space and gap it shares with the side-to-side property at No.76. The existing gap positively retains the individual properties identity as pairs of semi-detached dwellings and is a typical characteristic of the area, which would be lost by the proposal to the detriment of the street scene. Despite the existing garage being only single storey and built up to the side boundary. The loss of this gap at first floor would be further exacerbated as there is no set-back from the front elevation, and the appeal property is positioned further forward than that of No.76.
7. In addition, the lack of set-back would result in the proposed extension being clearly visible in the street scene, particularly due to the open aspect of the frontage. When this is combined with its overall scale, substantial width, and excessive length of the roof ridge across the host property it would create an unbalanced and negative appearance to these symmetrical properties. Accordingly, it would detract from the character and appearance of both properties and the street scene.
8. Given that there is no built form to the property at No.76 along the side elevation, a gap would still remain between the two properties. I have not been provided with any evidence of any existing or forthcoming application for No.76 to extend along the side elevation. As such, I do not consider that potentially it could lead to a terracing effect with No.76. Moreover, any subsequent application would be a future matter for the Council. However, this does not outweigh the harm I have already identified above.
9. For the reasons given, I conclude that the proposed development would harm the character and appearance of the host property and the surrounding area. It would be contrary to Saved Policies GP5 and BD6 of the Leeds City Council, Unitary Development Plan (Review – 2006), 2006 (UDP), and Policy P10 of the Leeds City Council, Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan, 2019 (CS). Amongst other things, the policies expect new development to be high quality inclusive design; support proposals where they accord and respect the principles of size, scale, design and layout of the development is appropriate to its context, and respects the character and quality of surrounding buildings, and the wider locality.
10. It would also be at odds with guidance in the Council's Householder Design Guide, Supplementary Planning Document, 2011 (SPD), Policy HDG1, which resists extensions and alterations that harm the character and appearance of the main dwelling or locality.

Living Conditions

11. The appeal property sits at a lower level than the adjacent neighbouring property to the side at No.76. Although, there are no openings proposed to the side elevation of the extension. The side gable of No.76 features openings at both ground floor and first-floor that face the side and rear of the appeal

property and garden area. The proposal would result in the side gable being extended at ground floor to the rear and above the garage to two-storeys, introducing a rather stark and high blank wall, which would be directly positioned along the common boundary with no separation.

12. Therefore, due to the scale, changes in levels between the properties, and proximity to the boundary, the proposal would appear overbearing and excessive in both its length and height when viewed from the driveway, garden and windows of No.76. As such, it would appear oppressive and overly dominant to the detriment of the outlook currently afforded to those occupiers of No.76.
13. Consequently, I conclude that the proposed development would cause harm to living conditions of No.76, with particular reference to outlook. It would be contrary to Policy GP5 of the UDP and Policy P10 of the CS. Taken together, they seek proposals to avoid and protect loss of residential amenity.
14. It would also be in conflict with the SPD guidance, Policy HDG2 which requires all development proposals to protect the amenity of neighbours, proposals which harm the existing residential amenity through overdominance will be strongly resisted.
15. The Council have referenced UDP Policy BD6 in the reason for refusal (1). I have not cited this policy as it does not relate to living conditions.

Other Matters

16. I have been referred to other developments, in particular to No.69. However, I do not have full details of this scheme and so cannot be certain that the circumstances are the same. In any event, those that I saw do not change the prevailing character of the area in order to justify the development before me. In any case I have considered the appeal proposal on its own merits.
17. The appellant has asked whether an alternative proposal relating to a second storey extension would be acceptable if they were to make it subservient by setting it back. I have not been presented with an alternative scheme or plans, and as such this is not the appeal proposal before me. The appellant would need to discuss future options of developing the property with the Council.

Conclusion

18. The proposal conflicts with the development plan, taken as a whole and there are no other material considerations, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

KA Taylor

INSPECTOR