



Appeal Decision

Site visit made on 8 February 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2022

Appeal Ref: APP/N4720/D/21/3289199

18 The Birches, Leeds LS16 9DN

- 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 Waseem Bashir against the decision of Leeds City Council.
 - The application Ref 21/06621/FU, dated 2 August 2021, was refused by notice dated 13 October 2021.
 - The development proposed is a single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - The character and appearance of the area;
 - Living conditions for occupiers of the appeal property, with particular regard to the provision of private amenity space; and
 - Highway safety, with particular regard to car parking provision.

Reasons

Character and appearance

3. The appeal property is a semi-detached bungalow, primarily finished in render (although the lower parts of the front elevation are stone) and with a tiled roof. It has a lean-to car port at the side, and a detached garage within the small rear garden. Two small dormers are set on the front roof slope; to the rear is a much larger box dormer across almost the full width of the original dwelling. Although there is some diversity among the dwellings in the surrounding area – there are also detached bungalows, and semi-detached and detached houses – within The Birches and its neighbouring streets (The Cedars, The Rowans and The Poplars) semi-detached bungalows are the dominant dwelling type. The modest size and scale of the appeal property are also in keeping with the prevailing character of the area.
4. The proposed development is the demolition of the existing car port and detached garage, and the erection in their place of a single-storey, flat-roofed extension. This would infill the space between the original dwelling and the side boundary with No 16; the rear part of the extension would also be wider than

the existing garage. At the rear it would extend to the boundary with the facing property on The Cedars. The extension would accommodate a new living room, with bifold doors overlooking the rear garden; the existing living room in the original bungalow would become an additional bedroom or study/office space¹.

5. Policy HDG1² of the Council's 2012 Householder Design Guide Supplementary Planning Document ("the SPD") advises that extensions should respect the scale, form, proportions and character of the main dwelling and the locality; the SPD also identifies roof form and line as matters requiring particular attention. The large expanse of flat roof which would be created would be visually at odds with the prevailing pitched roof style of the host property (including its existing car port and garage) and the wider area.
6. The proposed extension in this case would measure around 12m from front to rear, and so would be deeper than the original dwelling; combined with the additional width at the rear compared to the existing garage outbuilding it would be a bulky addition which would subsume the original property. Given the disproportionate size of the extension and the harm caused by its large flat roof, the appellant's observation that it would be lower than the existing garage roof (2.4m as opposed to 2.9m) does not weigh in favour of the scheme.
7. The development fails to heed the advice of the SPD, and as a result it would dominate and clash visually with the original property. The harmful impact of the scheme in these respects would be exacerbated when considered alongside the already substantial box dormer at the rear of the property; the cumulative effects of the various extensions and additions would be to overwhelm the original modest size and scale of the dwelling. Overall, the proposal would be detrimental to the character and appearance of both the host property and the wider area.
8. The appellant referred to the large number of flat-roofed garages already found at properties on The Birches; however, they are generally small in scale, and an established characteristic of the area in a way which a large side and rear extension would not be, and they do not weigh in favour of the appeal scheme. The appellant also drew my attention to two-storey side extensions on houses nearby, which I was able to view at the time of my site visit. Not all of the examples I saw are especially sensitive to their host property, and while I do not know the precise circumstances in which they came into being, on the face of the evidence before me it seems unlikely that they would comply with current guidance as set out in the SPD. That less sensitive development has been allowed nearby in the past does not justify permitting additional harm to the character and appearance of the area today.
9. I acknowledge that the proposed materials would match those of the existing building/ The glass-reinforced plastic roof intended to be used may well also be a higher-quality material than the rubber or felt roofing used elsewhere nearby. However, although the proposal would be acceptable in these respects this lack of harm is a neutral factor; it would not outweigh the harm caused by the scale and form of the extension.

¹ The appeal statement describes it as a study/office space, although it is shown as a bedroom on the submitted drawings, and it would clearly be capable of being used as such.

² Notwithstanding the terminology, the SPD provides guidance and interpretation in respect of the development plan, and while a material consideration it does not in itself set out development plan policies.

10. I conclude that the proposed extension would be harmful to the character and appearance of the area. The proposal therefore conflicts with Saved Policy BD6 of the 2006 Leeds Unitary Development Plan ("the UDP"), and Policy P10 of the 2014 Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) ("the Core Strategy"), as well as with advice in the SPD described above. Together these policies seek to ensure that new development, including extensions, respects its context and the character of its surroundings, including in respect of scale, form and detailing.

Living conditions

11. The SPD states that "extensions should leave sufficient usable private garden space for the enjoyment of residents", and that "dwellings of three bedrooms or more should provide a reasonable garden area for family living". In this case, the rear garden provides the appeal property's private amenity space; the front garden is in full view of the street.
12. In common with those of other properties on the same block, the rear garden of the appeal property is already a small and constrained space. The proposed extension would result in it being reduced by around a further 10 percent of its present size, so that it would measure a little over 53m². At the same time, the extension would increase the size of the property such that it could accommodate an increased number of residents. In my view, the remaining private garden space would not be sufficient to meet the needs likely to arise from a four- or five-bedroom dwelling, and consequently future occupiers of the property would not have a standard of amenity space which they would reasonably be able to expect.
13. The SPD also advises that "normally no more than half the existing garden space should be covered by extensions". The appellant has calculated that the footprint of the extended property would be around 104m², and that the rear garden space would amount to more than half of this. This is not disputed by the Council. However, while the proposal would not conflict with this element of the guidance within the SPD, this would not on its own be sufficient to ensure that the amenity space was fit for its intended purpose.
14. I conclude that, because of inadequate private amenity space, the proposed development would not provide acceptable living conditions for future occupiers. The proposal therefore conflicts with Saved Policy GP5 of the UDP, which among other things seeks to ensure that development does not result in a loss of amenity. The Council's decision notice made a general reference to conflict with the National Planning Policy Framework ("the Framework"), although it did not refer to specific paragraphs. For the reasons set out above I find that the proposal would conflict with the provisions of Paragraph 130 of the Framework, which seek to create places with a high standard of amenity for existing and future users.

Highway safety

15. Policy T2 of the Core Strategy states that parking provision will be required for cars, motorcycles and cycles in accordance with current guidelines. The Council's officer report indicates that this means either that there should be space for two cars to be parked within the site or, where fewer than two spaces are available, the existing parking provision must not be reduced.

16. Although the proposed development would result in the loss of the garage and the parking space under the car port, the submitted drawing shows space for two cars within the drive at the front and side of the property; the appellant's statement also indicates that at around 9.6m deep the retained driveway would (just) be able to accommodate two "standard" (2.4m x 4.8m) parking bays end-to-end.
17. I note the concern of some interested parties that the proposal would result in an increased demand for on-street parking. However, although the roads in the area are relatively narrow and do not have separate footways, they also appeared to me to be quiet with low levels of traffic. Neither my observations on site nor the written submissions suggest that the area is one which experiences a significant degree of parking pressure, or that a limited increase in demand for on-street parking would have a harmful impact on highway safety. While I therefore acknowledge neighbours' concerns, they do not in this case demonstrate a substantive conflict with the development plan.
18. I conclude that the proposal would not be detrimental to highway safety, and it would therefore comply with Policy T2 of the Core Strategy, the aims of which I have set out above.

Planning Balance and Conclusion

19. I have found that the proposal would not cause significant harm to highway safety. However, it would be harmful to the character and appearance of the area, and would fail to provide an adequate amount or quality of external private amenity space for future occupiers. The proposal would therefore conflict with the development plan taken as a whole.
20. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector