



Appeal Decision

Site visit made on 15 February 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 08 March 2022

Appeal Ref: APP/N4720/D/21/3286647

94 Cartmell Drive, Halton, Leeds LS15 0PD

- 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 Arturas Mankus against the decision of Leeds City Council.
 - The application Ref 21/04249/FU, dated 12 May 2021, was refused by notice dated 1 October 2021.
 - The development proposed is a first floor extension above garage and loft conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the neighbouring occupiers of 4 Cartmell Court in terms of privacy.

Reasons

Character and appearance

3. The appeal property is located in a fairly modern residential estate of typically two storey semi-detached houses with pitched roofs. Part of the estate consists of a row of houses running along Cartmell Drive and these have modest frontages and reasonable-sized rear gardens. The houses are separated by side driveways and the row is very regular and symmetrical in appearance. There are no examples of two-storey side extensions along the row.
4. The appeal property sits within Cartmell Drive and is separated from its neighbour, 96 Cartmell Drive, by driveways and single storey garages. The garages are set back from the front of the properties. The rear garden has fenced boundaries. To the rear, the nearest property is 4 Cartmell Court which is orientated with its side elevation and side of its rear garden facing in the direction of the appeal property.
5. The proposal would consist of a loft conversion and first floor side extension over the existing garage. The extension would be flush with the garage frontage and rear elevation and extend to the shared boundary. The extension's roof would be at the same level as the house's existing roof. As a result of this, there would be an unusually large expanse of brickwork above the proposed first floor window, separating it from the raised eaves height of

the proposed roof. There would be front and rear first floor windows and the loft conversion would have a standard Velux window to the front slope and a Velux balcony and a standard Velux window to the rear.

6. Guidance on appropriateness and design standards for extensions is detailed in the Council's Householder Design Guide Supplementary Planning Document 2012 (SPD). While the proposal would be set back from the front of the property in accordance with the SPD, it would not be set down from the main roof, and its width to the common garage boundary would not comply with the SPD. These confused design features would create a poorly proportioned larger first floor frontage which would unbalance the gap between the properties and appear dominant. The proposal, even with the front set back, would not give the impression that the extension was subordinate to the main property, and it would be visually intrusive in the street scene.
7. The proposal would significantly harm the character and appearance of the area. This would be contrary to Policy P10 of the Leeds City Council Core Strategy 2019 (Core Strategy), Policies GP5 and BD6 of Leeds Unitary Development Plan (Review 2006)(UDP), the SPD and Section 12 of the National Planning Policy Framework (the Framework). These, amongst other matters, collectively seek to ensure that development is appropriate to its context and respects the character and quality of the surrounding area.

Living conditions

8. The SPD provides guidance on the assessment of overlooking on neighbours from extensions. It details recommended minimum distances required from extension windows to the property's boundary, the highway and side elevations. These distances change depending on the room type/use and additional storey heights.
9. The room type/use and the separation distances are not shown on the plans and therefore it is difficult to assess the proposal in relation to the SPD's guidance. Given their elevated position, the proposed rear windows within the roof could result in increased and harmful overlooking of the garden of No 4 which would result in loss of privacy.
10. In conclusion, it has not been clearly demonstrated that the proposal would not harm the living conditions of the neighbouring occupiers of 4 Cartmell Court in terms of privacy, and be contrary to Policy P10 of the Core Strategy, Policies GP5 and BD5 of the UDP and the SPD. These, amongst other matters, seek to ensure that development protects the residential and general amenity of the area. Furthermore, due to the proposal not providing sufficient information, it fails to meet the requirements of Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Other Matters

11. The appellant has expressed concerns regarding communication from the Council during the application process. This is a matter for the appellant to address with the Council. It does not alter my findings on the appeal before me.

Conclusion

12. For the above reasons, having regard to the development plan as a whole, and the approach in the Framework, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR