



Appeal Decision

Site visit made on 21 February 2022

Decision by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2022

Appeal Ref: APP/N4720/W/21/3289707

968 Scott Hall Road, Leeds, LS17 6HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr R Patel against Leeds City Council.
 - The application Ref 21/03028/FU, is dated 5 April 2021.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is dismissed and planning permission is not granted.

Preliminary Matters

2. The Council failed to determine the planning application within the required timescales and the appellant has proceeded to seek determination of the proposal through appeal. The Council have provided a statement of case and indicate that should they have determined the proposal, they would recommend refusal, and provided two putative reasons for refusal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the street scene and the living conditions of adjacent occupants with regards to a sense of overbearing.

Reasons

Character and appearance

4. Scott Hall Road is a long and wide main road with residential dwellings flanking both sides. There is no one consistent style of dwelling here, with modern flats interspersed with more traditional red brick houses.
5. The appeal site is a detached two-storey dwelling that sits back from the road in an elevated position. There are gaps to either side of the dwelling with the adjacent neighbours. The dwelling has been considerably extended including virtually a full width rear single storey extension and is approximately four meters in depth. The side profile of this extension with sloping roof over is visible from the public domain between the gaps in houses.
6. The proposed extension would be erected above this single storey element. As a combination, it would add considerable mass and bulk to the original dwelling. The large-scale massing as a rear extension would not respect the original proportions of the host dwelling thus appearing out of scale with it.

From the street scene, its first floor projection would be obvious, made more conspicuous by the proposed use of flat roof that would not complement the main roof, and further indicate this would be an addition to the main house.

7. Even with the use of matching facing materials, I find it would not be a subservient addition to the dwelling and thus harmful to its character. As it would be visible in public views from outside the appeal site, it would therefore lead to harm arising to the character and appearance of the street scene.
8. Therefore, to conclude on this main issue, the proposal would not respect the proportions of the original dwelling and lead to adverse harm to its character and appearance, and to the street scene. It would therefore conflict with the design aims of Policy P10 of the Core Strategy (as amended, 2019), Policies GP5 and BD6 of the Unitary Development Plan Review 2006, Policy HDG1 of the Householder Design Guide and the National Planning Policy Framework (the Framework).

Living conditions of adjacent occupants

9. There is a narrow gap between the gable end of the appeal property and the boundary with Number 970 Scott Hall Road and a reasonable gap between the shared boundary and the gable end of 970. In addition, the properties slightly splay from one another.
10. Even though the proposal would add significant mass and bulk to the dwelling and it would be seen from the rear of the neighbouring house, this would not be in direct views. It would be visible from its rear garden although it would not appear over dominant from this space due to the size of the garden area, the location of the proposal and relationship with the neighbour. The proposal would not lead to a sense of overbearing and would not adversely harm the living conditions of these occupants.
11. A large single storey building at Number 966 Scott Hall Road has been erected close to the boundary with the appeal site. This building projects beyond the rear building line of the existing single storey extension at the appeal property and therefore obscures that extension from a significant portion of the rear ground floor windows and rear garden of 966.
12. Although the proposed extension would be seen from the first floor windows to the rear of the neighbouring dwelling, there would be no direct overlooking onto it. Given the existing building on the shared boundary, the separation distance of the proposed extension from the neighbouring house and garden area, would not lead to a sense of over-dominance harming the living conditions of these occupants.
13. Therefore, the proposal would not appear overbearing when viewed from the adjacent dwellings leading to no harm arising to the living conditions of these occupants and would thus comply with Policy P10 of the Core Strategy (as amended 2019), UDP policy GP5, policy HDG2 of the Householder Design Guide and the Framework in their objectives for development to prevent a loss of amenity.

Balance and Conclusion

14. I have found that the proposal would not lead to harm arising to the living conditions of neighbouring occupants. However, I have concluded that the

scheme would adversely impact upon the character of the original dwelling and consequentially harm the character and appearance of the street scene, to which I apportion substantial weight, and the scheme must fail as a whole.

15. Therefore, the proposal would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed, and planning permission is not granted.

Alison Scott

INSPECTOR