



Appeal Decision

Site visit made on 1 February 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2022

Appeal Ref: APP/N4720/D/21/3285525

42 Roxholme Place, Chapeltown, Leeds LS7 4JQ

- 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 Mrs Sana Qureshi against the decision of Leeds City Council.
 - The application Ref 21/05861/FU, dated 5 July 2021, was refused by notice dated 15 October 2021.
 - The development proposed was originally described as 'replacing an existing 30 year old decaying and unstable extension'.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 42 Roxholme Place, Chapeltown, Leeds LS7 4JQ in accordance with the terms of the application, Ref 21/05861/FU, dated 5 July 2021, subject to the following conditions:
 - (1) This permission relates to drawing nos. 300020-A-102 Version P1 (Location plan), 300020-A-103 Version P1 (Proposed floor plans), 300020-A-104 Version P1 (Proposed elevations, roof plan and section) and 300020-A-105 Version P1 (Block plan).
 - (2) Within three months of the date of this decision, precise details of the render to be applied to the external elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be rendered in accordance with the approved details within 3 months of the date that the details of the render are approved.
 - (3) No windows shall be inserted in the side elevation of the extension hereby approved facing No 44 Roxholme Place at any time.

Preliminary Matters

2. The development proposed is already substantively complete. Therefore, I have assessed the appeal on the basis that planning permission is sought retrospectively.
3. For the purposes of my decision paragraph, I have used a more concise description having regard to the description on the Council's decision notice. In doing so, I have removed superfluous references to a previous extension and to the proposal being retrospective given these are not descriptions of development.

Main Issues

4. The main issues are the effect of the development on:

- (i) the character and appearance of the area; and
- (ii) the living conditions of occupiers of No 44 Roxholme Place with particular regard to outlook and light.

Reasons

Character and appearance

5. Roxholme Place is a cul-de-sac mainly characterised by two-storey semi-detached dwellings. Dwellings are generally set back from front boundaries with gardens and parking areas to their frontages. The appeal dwelling is one of a pair of semi-detached dwellings. It has a two-storey side extension and is therefore wider than the adjoining dwelling at No 44 Roxholme Place. Rear gardens in the area vary in depth and shape. The appeal dwelling sits within a triangular shaped plot with a wide splay towards the rear boundary with residential properties on Gledlow Park Avenue. Overall, the area displays a pleasant suburban residential character.
6. Due to its footprint extending close to the rear boundary of the site, the development contrasts with the general spacing more often provided beyond the rear elevations of dwellings in the area. The proposed rendered finish would also contrast with the host dwelling's original brickwork facades. Even so, due to its single storey scale and its position to the rear of the dwelling, the development has a suitable degree of subservience and is not highly discernible from the street. The appeal dwelling also retains a generously proportioned garden to its side. Given these site-specific factors, I am satisfied that the development has an acceptable relationship with the visual amenity of the area in this particular instance.
7. I conclude the development has an acceptable relationship with the character and appearance of the area. In that regard, the development complies with the design and character requirements of Policy P10 (Design) of the Leeds City Council Core Strategy (as amended 2019) (the CS) and Saved Policies GP5 and BD6 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP). For the same reasons the development also complies with Policy HDG1 (Design and appearance) of the Leeds City Council Householder Design Guide (2012) (the HDG).

Living conditions of occupiers of No 44 Roxholme Place

8. During my site visit I saw that the extension sits adjacent to the majority of the rear side boundary with No 44 Roxholme Place. As a result of its height, depth and close relative position, the side wall of the extension has a conspicuous presence when experienced from the nearest ground floor rear window and rear garden serving No 44.
9. Notwithstanding the above, the evidence before me indicates that extensions of a similar depth and height have existed to this boundary for approximately thirty years with no significant intervening period between the old extensions being replaced by the appeal development. Having compared the drawings showing the previous extensions with the extension now erected, whilst parts of the side wall have increased in height, this is not to the extent that it would have resulted in a materially different relationship with this neighbouring property. Therefore, levels of outlook and light are likely to be very similar to those that occupiers of No 44 have been accustomed to over the considerable

period that the previous development was in place. This is a material consideration to which I attach substantial weight and which persuades me that the development has not resulted in harm to the established living conditions for occupiers of No 44.

10. I conclude, the development has not had a harmful effect on the established living conditions of occupiers of No 44 Roxholme Place with particular regard to outlook and light. In these respects, the development complies with Policies P10 of the CS and Saved Policy GP5 of the UDP which amongst other things seek to protect and avoid a loss of amenity. For the same reasons the development also complies with Policy HDG2 (Impact on neighbours) of the HDG.
11. The Council's reason for refusal relating to this main issue also refers to Policy BD6 of the UDP. Given this policy does not refer to matters of amenity it does not alter my conclusion that the development is acceptable in this regard.

Other Matters

12. Third-party concerns have been raised by residents on Gledhow Park Avenue. Given the single storey scale of the development, the distance between these dwellings and the boundary treatments in place, I am satisfied that the development is not harmful to means of outlook or privacy for occupiers of these neighbouring dwellings. I note the Council has also raised no concerns in this regard. Any cutting back of trees next to the shared boundary with these properties, is a private matter.
13. There is no detailed evidence before me to suggest the development is unstable. This in any case would be a matter for the Building Regulations. I have assessed the appeal on the basis of the description of the development before me. Therefore, the replacement of original windows and the rendering of other elevations on the host dwelling are not matters to be assessed as part of the appeal.
14. Issues relating to noise and the burning of materials during the construction period would be an environmental protection matter. In any case, given the development is substantively complete I consider it unlikely that such issues associated with the construction would be ongoing. The future occupation of the dwelling is not a matter to be considered under this appeal.

Conditions

15. As the development is substantially complete, a timescale for commencement is not necessary. I have included an approved drawings condition in the interests of certainty. A condition requiring precise details of the proposed render and for the render to be completed is required to ensure the external elevations are suitably finished. I have also attached a condition to prevent windows being inserted in the side elevation of the extension facing No 44 in order to protect the privacy of occupiers of this neighbouring dwelling.

Conclusion

16. For the reasons given the appeal is allowed.

M Russell INSPECTOR