



Appeal Decision

Site visit made on 8 March 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2022

Appeal Ref: APP/N4720/D/22/3290111

9 Lawrence Crescent, Gipton, Leeds LS8 3HX

- 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 M Bashir against the decision of Leeds City Council.
 - The application Ref 21/05300/FU, dated 11 June 2021, was refused by notice dated 22 December 2021.
 - The development proposed is a rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the host dwelling and the area and (ii) the living conditions of the occupants of 7 and 11 Lawrence Crescent and the occupants of the host dwelling.

Reasons

Character and appearance

3. The appeal dwelling is a two-storey semi-detached property which fronts onto Lawrence Crescent. Much of the proposed extension would be to the rear of the dwelling and for the most part it would utilise pitched roof structures. This would ensure that, as a whole, those elements located to the rear of the property would integrate with the existing dwelling in a visually acceptable manner. The proposal would substantially increase the size of the host dwelling, but this would not represent such an increase in its overall scale or be positioned so as to result in a visual harm to its character and appearance.
4. However, the part of the proposal to the side elevation of the dwelling would incorporate a flat or very shallow mono-pitched roof which would not be in keeping with the main roof to which it would adjoin. Consequently, it would visually jar with the existing dwelling and would appear incongruous in relation to it, representing a poor design solution. Although set back from the front elevation, this relationship and the presence of the new roof would be clearly visible in the street scene, which adds substantially to the harm that would arise.
5. Whilst reference has been made to design precedents on the street, my attention has not been drawn to any specific examples that are similar to the appeal proposal. In any event I must determine the appeal before me primarily

upon its own merits, and accordingly I have approached my assessment on that basis.

6. For the reasons set out above, I conclude that the roof to the proposed side extension would cause significant harm to the character and appearance of the host dwelling and the area. Consequently, the proposal would fail to accord with Policy P10 of the Leeds Core Strategy 2019 (CS) and Saved Policies GP5 and BD6 of the Leeds Unitary Development Plan 2006 (UDP), where they seek to protect character and appearance. There would also be a conflict with the aims of the Householder Design Guide Supplementary Planning Document 2012 (SPD) in the same respect.

Living conditions

7. The appeal dwelling has already been extended at ground floor level to its rear, with this extension being partially flat roofed and partially pitched roofed. The adjoining dwelling, 7 Lawrence Crescent, has a small rear projection at ground floor level adjacent to the common boundary, which forms a conservatory type structure. Due to its size, it appears to have only limited potential for use as living accommodation. The proposed ground floor extension would also run along part of the rear garden of No 7.
8. The proposal would increase the projection of the ground floor wall of the appeal dwelling along the common boundary with No 7, above which there would be a pitched roof. However, this roof would rise away from the boundary and the additional projection resulting would not be substantial when compared to the current ground floor extension. The presence of the aforementioned structure to the rear elevation of No 7 and the fact it has a relatively large rear garden also means that the impact of the proposal would be lessened. Taking these factors together, there would be no harm to the living conditions of the occupiers of No 7 from the proposed development, in terms of loss of outlook or from its massing.
9. The two-storey element of the appeal proposal would be located closest to the dwelling at 11 Lawrence Crescent. That dwelling has not been extended, although there is a large rear ground floor extension to its adjoining dwelling at 15 Lawrence Crescent. Whilst the proposal would place a two-storey wall close to the common boundary of No 11, it would not be of a depth or overall bulk so as to cause harm to the living conditions of the occupiers of this adjacent dwelling. No 11 is also set back slightly behind the appeal dwelling and separated by the width of its driveway, which would serve to reduce the impact that would arise. The separation distance would also ensure that there would be no harm from the proposed single storey element.
10. I am mindful of the presence of the extension to No 15. But, even in combination with this, for the reasons I have set out the scale of the appeal proposal and its positioning would not cause harm to the living conditions of the occupiers of No 11 through a loss of outlook, loss of light or by way of its massing.
11. The proposal includes a new first floor window on the existing side elevation facing No 11 which would serve a bedroom. Due to its positioning on the side elevation, it would not give rise to harm from overlooking onto No 11 either into the primary windows of the dwelling itself or directly into its rear garden area. Whilst the window in question would face towards the side elevation of

No 11, the separation afforded would provide an acceptable outlook for the future occupants of the bedroom it would serve.

12. In conclusion therefore, the proposal would not cause harm to the living conditions of the occupiers of No 7 and No 11 by reason of its scale, positioning or the presence of the proposed new side elevation window. The outlook from this window would also be acceptable. As a result, there would be no conflict with Policy P10 of the CS and Saved Policies GP5 and BD6 of the UDP, where they aim to safeguard living conditions.
13. Whilst the accompanying text to Policy HDG2 of the SPD states that single storey extensions can project 3 metres on a common boundary, this is stated to be a rule of thumb and I have found that in the specific circumstances of this case there would be no harm to living conditions. Furthermore, although there is reference to distances to buildings in the SPD, I have also not found that there would be any harm with respect to the proposed side elevation window.

Conclusion

14. Whilst I have not found harm to living conditions, I have found significant harm to character and appearance and a subsequent conflict with the development plan. For this reason, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR