



Appeal Decision

Site visit made on 11 April 2022

by A Caines BSc(Hons) MScTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2022

Appeal Ref: APP/N4720/D/22/3294491

84 Lidgett Lane, Gledhow, Leeds LS8 1LQ

- 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 S Shahid against the decision of Leeds City Council.
 - The application Ref 21/08128/FU, dated 28 September 2021, was refused by notice dated 26 January 2022.
 - The development proposed is addition of first floor and loft level with dormers, single storey rear and side wrap round and front porch.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have determined the appeal based on the amended plans that the Council used to make its decision.
3. During my site visit I was also able to view the site from the neighbouring gardens of 1 and 3 Roper Avenue.

Main Issues

4. The main issues are the effect of the development on i) the living conditions of the occupiers of 1 and 3 Roper Avenue with particular regard to matters of dominance, privacy, and overshadowing; and ii) the character and appearance of the area.

Reasons

Living conditions

5. The appeal property is a detached bungalow fronting onto Lidgett Lane. It is located close to the southern boundary with 1 Roper Avenue and has a shallow rear garden which backs onto the rear garden of 3 Roper Avenue. The proposal would add two additional floors of accommodation to the bungalow, but the upper floor accommodation would be contained within the roof space.
6. Even at its existing single-storey height, the hipped roof of the bungalow rises significantly above the southern boundary wall and has an imposing presence when experienced from the rear conservatory and main garden area of 1 Roper Avenue. According to the Council's figures, the separation distance to the conservatory is approximately 7.5 metres, which is already substantially less than the 12 metres recommended in the Council's adopted 'Householder Design Guide' Supplementary Planning Document (2012) (the SPD). Consequently, whilst the proposal would not bring development any closer to

- 1 Roper Avenue, the increase in the height of the gable wall and roof would undoubtedly appear oppressive and overbearing when viewed from the neighbour's conservatory and garden, to the severe detriment of their living conditions.
7. In relation to 3 Roper Avenue, I note that the rear dormer windows have been removed from the scheme, and that obscure glazing is now indicated to the dressing room and bathroom windows in the rear elevation. Nonetheless, there would remain an unobscured bedroom window, which would directly overlook the bottom part of No 3's garden at close quarters. I saw that this area contains a patio for outdoor sitting and is not closely overlooked by any neighbouring property at present. As a result, the level of privacy that the neighbours currently experience in this important part of their garden would be severely diminished. Furthermore, due to its height, extent, and the shallow depth of the appeal property's rear garden, the development would have a noticeable enclosing effect along the majority of the western side of No 3's garden. It would also likely cause some additional late afternoon overshadowing of this garden. In these regards, the living conditions of the occupiers of No 3 would be unacceptably harmed.
8. The effect on 86 Lidgett Lane did not feature in the Council's refusal reasons, and based on my own observations, I have no reason to disagree with the Council's assessment.
9. I conclude, on this issue, that the development would cause unacceptable harm to the living conditions of the occupiers of 1 and 3 Roper Avenue for reasons including overdominance, loss of privacy, and overshadowing. This is contrary to Policy P10 of the Leeds City Council Core Strategy (as amended 2019) (the CS), saved Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP), and Policy HDG2 of the SPD, in so far as they seek to protect the amenity of neighbouring residents. It is also contrary to paragraph 130(f) of the National Planning Policy Framework (the Framework) which requires development to provide a high standard of amenity for existing and future users.

Character and appearance

10. Lidgett Lane is a wide distributor road containing a mix of different housing, some commercial premises, and schools.
11. The proposal would fundamentally alter the form and character of the dwelling from an inconspicuous bungalow to a large two-storey dwelling. Even so, the existing bungalow makes a neutral contribution to the street scene, and I note that the Council does not have any in-principle objection to its upward extension from a visual perspective. The altered dwelling would not be notably out of scale with other development along Lidgett Lane and would maintain adequate visual separation to the neighbouring properties to avoid appearing cramped in the street scene. Although it would have a more contemporary appearance, it would incorporate common design features of the area such as projecting gable peaks, and there is enough variety along Lidgett Lane to accommodate a range of design treatments without necessarily detracting from the character of the area.
12. I therefore conclude, on this issue, that the development would not unacceptably harm the character or appearance of the area. In this regard, the

proposal complies with the design requirements of CS Policy P10, saved UDP Policies GP5 and BD6, and SPD Policy HDG1. It also complies with the design requirements of paragraph 130 (a-d) of the Framework.

Conclusion

13. The development would provide enlarged accommodation within the property and improve its condition generally without causing harm to the character or appearance of the area. Nevertheless, I have found significant harm in relation to the living conditions of neighbouring occupiers. The proposal therefore conflicts with the development plan as a whole and there are no considerations that indicate a decision should be taken other than in accordance with the development plan. Accordingly, the appeal is dismissed.

A Caines

INSPECTOR