



Appeal Decision

Site visit made on 28 April 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/N4720/D/22/3293958

14 St. Margarets Avenue, Horsforth, Leeds, West Yorkshire LS18 5RY

- 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 & Mrs Craig & Barbara Conley against the decision of Leeds City Council.
 - The application Ref 21/09450/FU, dated 18 November 2021, was refused by notice dated 28 February 2022.
 - The development proposed is a first floor bedroom extension to a detached property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the host property, and 2) the living conditions of the occupants of 12 St. Margarets Avenue with regard to outlook and light.

Reasons

Character and appearance

3. The appeal property is a two-storey detached dwelling. It is located in a residential area where there are several properties of a similar design. The property is located in a prominent position when travelling towards it along Stanhope Avenue and also sits forward of the adjoining property, 12 St. Margarets Avenue, leaving the side elevation prominently exposed in the street-scene. It has a distinctive roof slope that on one side terminates at the top of the ground floor, whilst on the other, terminates at the top of the first floor. This feature makes a positive contribution to the appearance of the property. The property has a flat-roofed two storey section to the side which gives it the appearance of a side dormer.
4. The proposed extension would bring the existing flat-roofed two storey section forward so that it would align and tie in with the front building line of the property. This would have the effect of removing the distinctive roof slope and resulting in the property having a two-storey flat roof side extension.
5. Due to its flat-roofed design, and the removal of an architectural feature that positively contributes to the character and appearance of the property, the proposed development would sit uncomfortably with the remainder of the dwelling and cause significant harm to the character and appearance of the host property and the surrounding area. This harm is particularly exemplified

considering the prominent position of the property when viewed from Stanhope Avenue and due to its siting forward of the adjacent dwelling that would leave the resulting side elevation prominently exposed in the street-scene.

6. In addition, the proposed fenestration arrangement, whereby the window of the extended part of the dwelling would fail to align with that of the remainder of the dwelling, would appear disjointed and cause harm.
7. The proposed development would therefore cause significant harm to the character and appearance of the host property and the surrounding area. It would be contrary to Policy P10 of the Leeds Core Strategy (2014 Amended 2019) and saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (2006). These policies seek, amongst other things, to promote good design and ensure the size, scale, design and layout of development is appropriate to its context and respects the character and quality of surrounding buildings.
8. The proposed development would also be contrary to guidance contained in Policy HDG1 of the Leeds Householder Design Guide (HDG) Supplementary Planning Document (2012). This guidance outlines that extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.
9. The proposed development would also be contrary to the National Planning Policy Framework (the Framework) (2021) which outlines that development should be visually attractive and that development that is not well designed should be refused.

Living conditions

10. The appeal property sits forward of 12 St Margarets Avenue which is a detached dwelling of a similar design. Due to this siting, the side elevation of the appeal property onto which the extension is proposed, is visible from no. 12 and its front garden.
11. Although the proposed extension would be visible from no. 12, the existing outlook already encompasses the existing two-storey flat roof section and long roof slope of the appeal property. Additionally, the closest habitable room windows to no. 12 are of a moderate and reasonable separation from the side of the appeal property. Therefore, in light of the relatively small size and scale of the proposed extension and its position relative to no. 12, I do not consider that it would have an unreasonable impact in terms of outlook.
12. For these same reasons, and without any substantive evidence to the contrary, I do not consider that the proposed extension would have an unreasonable impact in terms of light. The Council have referred to the failure of the proposed development to adhere to the '45 degree code for neighbouring windows' however this has not been demonstrated in any of the evidence before me. Either way, from my own consideration of the evidence and my observations on my site visit, I am satisfied that the impact would not be unreasonable.
13. The proposed development would therefore not have an unacceptable impact on the living conditions of the occupants of 12 St Margarets Avenue. It would comply with Policy P10 of the Leeds Core Strategy (2014 Amended 2019) and saved Policy GP5 of the Leeds Unitary Development Plan (2006). These policies

require, amongst other things, that development protects and avoids loss of residential amenity.

14. The proposal would also comply with Policy HDG2 of the Leeds Householder Design Guide Supplementary Planning Document (2012) which outlines that development proposals should protect the amenity of neighbours and proposals which harm the existing residential amenity of neighbours through overdominance or overlooking will be strongly resisted.

Other Matters

15. The appellant has drawn my attention to several extensions to similar properties in the surrounding area. I observed these on my site visit. Although I do not have full details of any of the examples, which thus limits the weight I can attach to them, some of those examples serve to confirm the harm that can be caused by inappropriately designed extensions. Also, some of the examples are not of the exact same design or siting as the development before me. This further reduces the weight that can be attached to them.
16. In addition, the Council put forward the argument that these examples pre-date the Householder Design Guide. This being the case, they would also pre-date the Framework. Therefore, I do not consider that these examples would justify allowing harmful development. I have also, in any event, determined the appeal on its own individual planning merits.

Conclusion

17. Although I have found there would not be an unacceptable impact on living conditions, this does not outweigh the significant harm that would be caused to the character and appearance of the host property and the surrounding area.
18. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
19. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR