



Appeal Decision

Site visit made on 10 May 2022

by A Caines BSc(Hons) MScTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/N4720/D/22/3296215

86 Austhorpe Road, Cross Gates, Leeds LS15 8DZ

- 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 Deborah McLean and Stuart Holland against the decision of Leeds City Council.
 - The application Ref 22/00396/FU, dated 18 January 2022, was refused by notice dated 16 March 2022.
 - The development proposed is described as retrospective planning permission for a dormer to the front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made retrospectively and I have considered the appeal on that basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the appeal property and its surroundings.

Reasons

4. This part of Austhorpe Road features a series of terraced houses set behind short front gardens. The terraces are of a traditional style, constructed in brick with a pitched tile roof. However, it is notable that a number of the terraced properties have added dormer windows at the front. I do not have any details of how those dormers came to exist, but they appear to be long established and are sufficient in number to have a material effect on the character of the street scene in this location.
5. The Council's Householder Design Guide Supplementary Planning Document (2012) (the SPD) advises that in circumstances where the predominance of existing dormers has changed the appearance of the street sufficiently for dormers to be considered part of the character, new front dormers should be: small, well designed additions which retain the original roof form; constructed of appropriate materials; and reflect the proportions and positions of existing windows. In addition, saved Policies BD6 and GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP) require alterations and extensions to respect the scale, form, detailing and materials of the original building, and be well designed generally. Similarly, Policy P10 of the Leeds City Council Core Strategy (amended 2019) (the CS) requires, amongst other things, that new development delivers high-quality design that respects

the character and quality of surrounding buildings and contributes positively to place making.

6. The front dormer window that has been constructed at the appeal property could not reasonably be described as small. Rather, it is a wide and bulky structure that dominates the front roof plane of the property. In addition, the dark grey cladding tiles do not match the colour of the tiles on the main roof. Nor does the window in the front reflect the proportions and design of the windows below it. I recognise that this is also the case for most other dormers in the street. However, the appeal dormer is conspicuous because of its different colour. Furthermore, unlike the other dormers, the window opening in the front of the appeal dormer is modest in relation to the entire structure, resulting in a dormer with a more solid and top heavy appearance. Thus, whilst the other nearby dormers provide context and relevance, I find that the appeal dormer is not a well-designed and sympathetic addition to the building and street scene.
7. I have noted that the Council previously granted planning permission for enlarged dormers at 84 Austhorpe Road, including a front dormer. However, the drawings provided indicate differences in the size and design of the front dormer compared to the appeal scheme. Consequently, that decision has limited bearing on my consideration of this appeal. I have also had regard to the more recent appeal decision at No 84, but again, it would appear that the schemes are not directly comparable, and in any event, the appeal was dismissed. The support from the occupiers of No 84 is further noted, but for the reasons given above, I have found that the development is not well designed.
8. I conclude that the development significantly harms the character and appearance of the appeal property and its immediate surroundings. Thus, there is conflict with the design requirements of CS Policy P10, saved UDP Policies GP5 and BD6, and the SPD. The proposal is also contrary to the National Planning Policy Framework with regards to achieving well designed places.

Other Considerations

9. My attention has been drawn to the personal circumstances of a young member of the appellant's family. The appellants emphasise a number of advantages that the development brings in this regard. In considering this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 which sets out relevant protected characteristics, including disability.
10. Whilst I am mindful of the circumstances of the young family member, it is not absolutely clear that the scale and design of the proposal is specific to their needs. Nor is there anything before me which demonstrates that the stated advantages cannot similarly be achieved by a more acceptable scheme. Accordingly, I attach limited weight to these matters. The PSED considerations do not outweigh the significant harm that would be caused by the appeal scheme, which would be permanent, and following careful consideration of these particular matters I am satisfied that the impact of dismissing this appeal is proportionate and justified.

Conclusion

11. For the reasons set out, the appeal scheme results in conflict with the development plan taken as a whole. This is a matter of significant weight. I have had regard to the matters raised by the appeal, in particular the personal circumstances of the appellant's family. However, on balance, material considerations are not of such weight to indicate the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR