



Appeal Decision

Site visit made on 3 May 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2022

Appeal Ref: APP/N4720/D/22/3295503

4 Ashbourne Crescent, Garforth, West Yorkshire LS25 2HZ

- 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 Peter Cockrem against the decision of Leeds City Council.
 - The application Ref 21/06708/FU, dated 30 July 2021, was refused by notice dated 31 January 2022.
 - The development proposed is described as “new bay window to front”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal property and surrounding area.

Reasons

3. The area surrounding the appeal site is characterised by predominantly residential properties of traditional architectural design and detailing. Whilst some properties in the area have flat roof porch structures, the appeal property has been altered to incorporate a pitched roof front addition.
4. The proposal, due to its design, would not blend in well with the existing form of the appeal property and would appear as a cluttered addition. The proposal would be rendered, set back from the footpath and street with a tree partially screening some views of the proposed structure. I also note that the double storey side extension is set back. Nevertheless, the proposal would be visually prominent and an incongruous feature within the street scene.
5. The appellant indicates that a first application had shown a pitched roof structure that was declined. It is also indicated that there is a willingness to amend the scheme further and alter the roof pitches of the proposal and the existing building. Insufficient evidence has been provided on these other schemes and there is no indication that amended plans have been formally submitted and undergone statutory consultation. I have therefore determined the appeal on the submitted drawings that were refused by the Council.
6. I have had regard to the appellants statement of case including the photos showing alterations to other properties in the area. I do not consider these other properties and their alterations to be directly comparable to the appeal scheme, particularly in regard to scale and width across the front of the properties. In any case, I have determined the appeal on its own merits.

7. Accordingly, the proposal would be a discordant feature that would have a harmful effect on the character and appearance of the appeal property and the surrounding area. The proposal would be contrary to Policy P10 of the Leeds Local Plan Core Strategy 2019, saved Policy GP5 of the Leeds Unitary Development Plan 2006, Policy HDG1 of the Leeds Householder Design Guide Supplementary Planning Document 2012 and the National Planning Policy Framework (the Framework) which seeks all extensions, additions and alterations to respect the scale, form, proportions, character and appearance of the main dwelling and the locality.

Other Matters

8. The proposal would not have an adverse effect on the living conditions of the occupiers of neighbouring properties, particularly with regards to light.
9. The appellant has referred to a member of the family with specific needs and the requirement for the extension to accommodate a large family sofa. However, insufficient evidence has been provided with regards to the exact requirements and whether other alternatives have been explored to meet the specific needs.
10. I recognise the failure of this appeal could affect arrangements for the appellant's family, particularly the person with specific needs. Having regard to the circumstances drawn to my attention, this could represent an interference with their rights under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. However, having regard to the legitimate and well-established development plan policies and the Framework which aim to protect the character and appearance of an area, in this case I consider greater weight is attached to these. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the appellant or the appellant's family.

Conclusion

11. The proposal would not have a detrimental effect on the living conditions of neighbouring occupiers and the needs of family members have been noted. However, these matters would not outweigh the harm I have identified with regards to the effects on character and appearance.
12. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
13. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR