



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: 23 May 2022

Appeal Ref: APP/N4720/D/21/3287091

12 Lumby Close, Pudsey LS28 9JS

- 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 Foy against the decision of Leeds City Council.
 - The application Ref 21/05549/FU, dated 23 June 2021, was refused by notice dated 27 August 2021.
 - The development proposed is a first floor side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side and rear extension at 12 Lumby Close, Pudsey, LS28 9JS in accordance with the terms of the application, Ref 21/05549/FU, dated 23 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Detailed Design – Drawing Number 20-FSK-44-02 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Applications for costs

2. An application for costs was made by Mr & Mrs Foy against Leeds City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on 1) the character and appearance of the host property and surrounding area, and 2) the living conditions of the occupants of the appeal property, with regard to outlook and light to bedroom 2.

Reasons

Character and appearance

4. The appeal property is a two-storey semi-detached dwelling. It is located on a cul-de-sac of similarly designed and sized residential properties, several of which have been extended and altered. It is located on a corner plot adjacent

to a turning head within the cul-de-sac. It has a large rear garden and has been previously extended at the ground floor level.

5. When viewed from the street, due to the property being set at 90 degrees to its neighbour (14 Lumby Close), and the proposed extension being set back significantly from the front building line, the extension would not be highly prominent.
6. Although the proposed extension would sit somewhat disjointed from the main body of the dwelling, this would not be discernible from any notable public vantage points. It would be visible from a number of residential properties to the rear, however this would be over some distance and not unreasonable overall. The roof arrangement would run counter to that of the main body of the dwelling, however this would be similar to the extension to no. 18 and would be less prominent in the street-scene. Given its overall design, size and siting I do not find that unreasonable harm would be caused. The use of materials to match those of the host dwelling, that could be secured by condition, would create an acceptable visual connection with the host property.
7. The Council consider that the proposed development would result in the overdevelopment of the property. I observed that the property has been extended from its original form. These extensions are at the ground floor level. Being at the first-floor level only, the proposed development would not extend the footprint of the property any further. Taking into account the overall size of the plot comprising a substantial rear garden, I do not consider that the proposed extension would lead to the overdevelopment of the property that would cause harm.
8. I conclude that the proposed development would not harm the character and appearance of the host dwelling and the surrounding area. The proposed development therefore complies with Policy P10 of the Leeds Core Strategy (as amended 2019) and saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 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.
9. The proposed development would also comply with 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.
10. The proposed development would also comply with the National Planning Policy Framework (2021) (the Framework) which outlines, amongst other things, that decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character, including the surrounding built environment, and that development that is not well designed should be refused.

Living conditions

11. The proposed extension would project approximately 2.5m from the rear elevation of the property, close to the window that serves bedroom 2. The proposed extension would be visible from this room and given the orientation

of the property there would likely be a reduction in the amount of light to the room as a result of the extension.

12. In terms of its design, the eaves height of the extension matches that of the main dwelling and the roof of the extension would slope away from the bedroom window. Although there would be some impact on outlook and light, due to its overall design, size and siting, this would not be to an unacceptable level. The room would retain an unobstructed outlook in a forward direction and there is no rear extension at first floor level to the adjacent property. I have also acknowledged the relatively good outlook and light levels to the property as a whole and that the affected room is primarily used for sleeping as opposed to a main living space.
13. I conclude that the proposed development would not harm the living conditions of the occupants of the appeal property, with regard to outlook and light to bedroom 2. The proposed development therefore complies with Policy P10 of the Leeds Core Strategy (as amended 2019) which requires, amongst other things, that development protects residential amenity.
14. The proposed development would also comply with the requirement of the Framework that planning decisions should ensure a high standard of amenity for existing and future users.
15. The Council have referred to the proposed development contravening the 45-degree code in the HDG and being contrary to Policy HDG2. This Policy, however, concerns the impact on neighbours and is not pertinent to the main issue.

Other Matters

16. Although not forming part of their reasons for refusal, the Council have referred to the size of the proposed bedroom, which they consider will provide a poor level of general amenity. I have not, however, been referred to any policy that requires rooms to be of a certain size and thus the matter has limited weight in the appeal.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose a planning condition requiring the use of matching materials.

Conclusion

18. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR