
Appeal Decisions

Site visit made on 23 March 2022

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 May 2022

**Appeal Refs: APP/N4720/C/21/3289307 (Appeal A) &
APP/N4720/C/21/3289308 (Appeal B)
25 High Ash Avenue, Leeds LS17 8RS**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr David Pearce (Appeal A) and Mrs Natalie Pearce (Appeal B) against an enforcement notice issued by Leeds City Council.
 - The enforcement notice is dated 25 November 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission, erection of canopy on a wall forming the principal elevation of a dwelling house that fronts a highway.
 - The requirements of the notice are: Step 1 EITHER a) Demolish the unauthorised canopy and make good any damage to the front elevation wall of the property; or b) Deconstruct the unauthorised canopy to the extent necessary to implement the canopy in accordance with the details approved under planning application reference 20/00702/FU granted 10 February 2020.
 - The period for compliance with the requirements is six months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
-

Decisions

1. Appeals A and B are dismissed, the deemed planning application is refused, and the enforcement notice is upheld.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site is a detached house located in a residential area of similar dwellings. Previously, planning permission ref: 20/00702/FU was granted in 2020 for alterations to the property, including some changes to the front elevation. The development that has been carried out is not in full compliance with the approved 2020 plans. A further planning application ref: 20/07861/FU was submitted to gain permission for the scheme as built, but this was refused by the Council.
4. Policy P10 of the Leeds Core Strategy (CS) requires that development, including alterations, should be based on a thorough contextual analysis and

should provide good design that is appropriate to its location, scale and function. Policy HDG1, which is contained in the Council's document entitled 'Householder Design Guide – Supplementary Planning Document' (SPD), requires all extensions to dwellings to respect the scale, form, proportions, character and appearance of the main dwelling and the locality. Particular attention should be paid to: i) the roof form and roof line; ii) window detail; iii) architectural features; iv) boundary treatments; and v) materials.

5. Prior to the development taking place, No 25 was a bungalow with a frontage clad in buff 'crazy paving' stonework and a large pitched roof covered in concrete tiles. At the front was a larger gable feature including a smaller gable over the main entrance. The gables had timber fascia boards at the eaves, and the external rainwater goods were white uPVC.
6. The appellants goes to some length to list the negative visual qualities of the building, concluding that it has little, if any, design value or architectural merit. However, such tests do not appear in the wording of the policies above, which more simply require that development should respect the character and appearance of the existing building and its surroundings. It seems to me that the appeal site and the surrounding dwellings have a character that is typical of the 20th century era in which they were built.
7. In terms of layout, the appeal building and its neighbours sit at a similar location in their plots, forming a generally coherent front building line, with smaller plots to the front and deeper gardens to the rear. I agree that the development largely preserves this element of the area.
8. The appellants assert that pretty much all the character of the locality is derived from the high level of variance between the houses. However, whilst many of the buildings have been altered, I observed on my visit that there remains a notable degree of consistency amongst them. In terms of materials and colour palette, the predominant materials are buff stone, and brick in red and buff tones, complimented by the mellow brown and reddish tones of the concrete tiles. In terms of design, long sweeping front roofs are a common feature, often punctuated by gables and flat roofed dormer windows.
9. The approved 2020 scheme proposed the removal of the two front gables. The front entrance was to have a flat roof canopy. The guttering would have concealed by a comparatively shallow band at eaves level that was to run all the way along the front and side of the house. Vertical timber fins were proposed as a design feature.
10. As built, the canopy has a flat roof form and is primarily finished in render which has been painted dark grey. The width of the canopy is more than half the width of the main frontage of the bungalow, and it continues along the side elevation. These factors, in conjunction with the projection forward of the front building line, result in a structure that has an overly dominant impact on the appearance of the property.
11. This effect is augmented by the substantial width of the corner sections of the canopy structure and the depth of the horizontal cross beam elements. These give the canopy a heavy, industrial appearance that does not reflect the more understated detailing of the bungalow or its neighbours, or of the 2020 scheme.

12. The appellants contend that the flat roof of the canopy reflects the flat roof of the side garage. Whilst such garages may be a common feature of the area, the garage in this case remains subservient to main building by being located unobtrusively to the side, with no part of it stepping forward of the main frontage of No 25.
13. The appellants argue that the canopy is a fraction of the size of the dwelling, and so is subservient in terms of scale. However, the SPD states that even small extensions can significantly alter the appearance of a building, and this is particularly true of extensions to the principal elevation. The SPD goes on to say that where extensions are visible from the street, they can harm the appearance of a wider area if the design is inappropriate, as is the case here.
14. The unauthorised canopy is clearly visible in the street scene, where it appears out of keeping with the local area. It does not respect or reflect the original design of No 25 and is not subservient to it. It therefore unacceptably harms the character and appearance of the surrounding area, contrary to CS Policy P10 and Policy HDG1 of the SPD. It further conflicts with the requirements of the National Planning Policy Framework on matters of good design and sustainable development.
15. My attention has been drawn to a limited number of examples of dwellings in the area that the appellants say show the wide variance in character. Of these, only the white rendered house departs significantly from the features I have identified, and its presence would not justify the grant of planning permission for the unauthorised development.
16. I have also taken into account the appellants' contention that the unauthorised development is very similar to the permitted scheme. However, it is clear from a comparison of the elevation drawings that the unauthorised scheme is bigger and notably more heavy in appearance, due to the elements discussed above. From my observations, and the evidence before me, I am satisfied that the differences are sufficient to render the scheme unacceptable, for the reasons I have given.

Conclusion

17. Therefore, the appeals are dismissed, the deemed planning application is refused, and the enforcement notice is upheld.

Elaine Gray

INSPECTOR