



Appeal Decision

Site visit made on 11 May 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2022

Appeal Ref: APP/N4720/W/21/3288206

53 The Lane, Alwoodley, Leeds LS17 7BX

- 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 G White against the decision of Leeds City Council.
 - The application Ref 21/08209/FU, dated 2 October 2021, was refused by notice dated 29 November 2021.
 - The development proposed is described as the “over cladding of existing bungalow and add of two additional storeys.”
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has put forward a number of proposed amendments to the scheme under “v3 drawings” including changing the proposed timber cladding to white render, changes to the proposed fenestration and the planting of an additional hedge to the boundary with 55 The Lane. This would represent a change to the proposed development, including its description.
3. In considering whether to accept these changes, I am mindful of the principles of the Wheatcroft case (Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another 1982). With that in mind, it would be inappropriate to consider these changes as part of the appeal process as the revised proposal has not been considered by the Council or subject to consultation.

Main Issues

4. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of the occupiers of the neighbouring properties at 55 The Lane and 19a The Valley, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site lies to the rear of 55 The Lane and takes its access from a shared driveway with this property. The Lane features a mix of traditional style red brick and render semi-detached and detached dwellings, with pitched and hipped slate roofs. Whilst No 55 has modern flat roof additions to the front elevation, it remains a dormer bungalow and has retained a traditional roofline that reflects that of the street scene.

6. The appeal site slopes uphill significantly from front to back, with the appeal property sitting into the slope. The rear of No 19a The Valley faces onto the appeal site, near the top of the slope. Whilst the rear extension of No 19 is modern with a flat roof, the remaining property retains a traditional form with a hipped roofline.
7. The appeal proposal would include the addition of first and second floor extensions to the existing bungalow and a flat roof with solar panels behind a parapet. A number of windows are proposed, that would vary in size, shape and design and would include a second-floor balcony to the eastern elevation. The proposal would include cladding the entire property to match that used at the Yorkshire Sculpture Park Visitor Centre. I have limited information as to the details of this material, however, from the statements I can ascertain that it is a form of timber cladding.
8. Whilst the appeal site could be described as a backland location and not part of the immediate street scene, the elevated position of the appeal property, combined with the height of the proposed three storey flat roof design would tower over No 55. Despite the vegetation along the frontage of The Lane, the proposal would be clearly visible, particularly along the shared access drive, where it would draw the eye and represent an incongruous feature within the overall street scene.
9. Furthermore, the modern, box like design and vertical cladding materials proposed would introduce a dominant and out of character form of development. In addition, the mix of window sizes and designs, canopies and balcony would create visual confusion and result in an unbalanced appearance. I appreciate that the neighbouring properties of No 19a and No 55 have modern extensions, however, these are not comparable to the scale of the appeal proposal.
10. I note the disagreement between the Council and the appellant with regards to the application of Policy BE2 of the Alwoodley Neighbourhood Plan. Whilst the whole of the existing property is not being demolished and replaced, the extent of the changes are such that no part of the existing bungalow would be visible other than the circular opening showing the original brickwork. The aim of policy BE2, to ensure that replacement buildings should be of comparable height with neighbouring buildings is relevant in this case. Neighbouring buildings in this case are those along The Lane and not The Valley, which sits at a much higher ground level. The appeal proposal would significantly exceed the height of neighbouring buildings.
11. I therefore conclude that the proposal would cause harm to the character and appearance of the area. This would be contrary to Policy BE2 of the Alwoodley Neighbourhood Plan, Policy P10 of the Leeds City Council Core Strategy (2019), saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006), Policy HDG1 of the Householder Design Guide Supplementary Planning Document (2012)(the SPD) and the National Planning Policy Framework (the Framework). These policies seek to ensure that new development delivers high quality inclusive design that respects and enhances local distinctiveness.

Living conditions

12. The multiple front elevation windows and second floor balcony would face the rear of No 55 from a significantly elevated position. Whilst the window

separation distances exceed those set out in the SPD, these are generalised guidance and require an element of judgement on site specific matters. In this case, the significant difference in ground level would result in significant overlooking and perception of overlooking to the rear window of No 55.

13. The balcony would also overlook the rear windows and garden of No 19a The Valley to an unacceptable degree. Whilst the existing extension at No 19a might overlook the appeal property, this does not provide a justification for the appeal proposal. Furthermore, whilst the residents of No 19a do not object to the proposal being three storeys, the absence of objection does not in itself render the scheme acceptable.
14. I therefore conclude that the proposal would have an adverse effect on the living conditions of the occupiers of the neighbouring properties at 55 The Lane and 19a The Valley, with particular regard to privacy. This would be contrary to Policy P10 of the Leeds City Council Core Strategy (2019), saved Policy GP5 of the Leeds Unitary Development Plan Review (2006), Policy HDG2 of the SPD and the Framework which, in summary, require new development to protect the amenity of existing residents.

Other Matters

15. My attention has been drawn to other planning applications in the area, some including three storey elements, and examples where existing dwellings have been 'supersized'. I have limited evidence on these cases. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar proposals may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
16. I appreciate that the appeal proposal would reuse the existing foundations and materials and seek to ensure no additional surface water runoff, by not increasing the roof area. However, the adverse impacts of the proposal that I have identified above would significantly and demonstrably outweigh such benefits.
17. The appellant states that the insulation and over-cladding operation would be permitted development, as would a pyramid roof on top of an additional storey. I have limited information on what permitted development rights are referred to in this case; moreover in any event the potential additions which may be made under permitted development powers do not justify the harm that the proposal would cause in this instance. It is open for the appellant to utilise such rights if they wish to do so.

Conclusion

18. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR