



Appeal Decision

Site visit made on 14 June 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2022

Appeal Ref: APP/N4720/D/22/3298467

30 Albion Street, Otley, Leeds LS21 1BZ

- 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 Miss Otilie Webb against the decision of Leeds City Council.
 - The application Ref 22/01109/FU, dated 14 February 2022, was refused by notice dated 6 April 2022.
 - The development proposed is loft conversion with rear flat roof dormer window; forming bedroom/en suite. Proposed single storey rear extension forming larger kitchen/dining area.
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Decision

1. The appeal is dismissed in so far as it relates to the loft conversion with rear flat roof dormer window forming bedroom/en suite
2. The part of the appeal which relates to the single storey rear extension is allowed and planning permission is granted for single storey extension forming larger kitchen/dining area at 30 Albion Street, Otley, Leeds LS21 1BZ in accordance with the terms of the application ref 22/01109/FU dated 14 February 2022 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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 in material, colour and texture.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan/Red Line/OS plan, M3668/04/101 Rev A; M3668/04/102 Rev A; M3668/04/103 Rev A; M3668/04/104 Rev A; M3668/04/202 Rev A; M3668/04/201 Rev A; M3668/04/301 Rev A; M3668/04/302 Rev A, only in so far as they relate to the single storey rear extension and not the rear dormer which is not part of the approved scheme.

Preliminary Matters

3. The appeal site is within Otley Conservation Area (CA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Main Issue

4. The Council does not raise any objection to the single storey rear extension. Following my site visit I am satisfied that the rear extension would preserve the character and appearance of the CA and I see no reason to take a different view to the Council on this matter.
5. Therefore, the main issue is whether the proposed rear dormer window would preserve or enhance the character or appearance of the CA.

Reasons

6. The appeal site is a mid-terraced property, part of a row of similarly designed stone terraced houses located on Albion Street in the CA.
7. Albion Street comprises mostly terraced properties sited on the back edge of the footpath. It is within character area 7 Cambridge Street and Leeds Road in the Otley Conservation Area Appraisal. I saw at my site visit that the robust stone construction of the terraced properties, similar scale and form, slate stepped roofs and the ridge and eaves line chimneys are attractive features of the terraced row and contribute to the significance of the CA.
8. As well as from Albion Street, the significance of the terraced row can be appreciated from Croft Street and along the publicly accessible alley, Shirley Close, to the back of the property.
9. Although the dormer window would be set up from the eaves line and in from the side boundaries, it would project from just below the ridge line with a flat roof and the eaves line chimney would be removed. The box-like addition to the roof would contrast unsympathetically with the simple and traditional pitched roof of the original property. Due to the absence of dormers in the immediate field of vision along the terraced row and the size of the dormer, the proposal would be a highly visible and incongruous addition to the host dwelling and would be prominent within the CA particularly in views from Croft Street and Shirley Close.
10. There are examples of dormer windows close to the appeal site, but dormer windows are not prevalent in the immediate surrounding area. These other dormers, including the dormer approved at 95 Albion Street, are mostly set down from the ridge line and take up less of the overall roof than the appeal proposal. The similar dormer at the northern end of the terrace is less prominent in its immediate context and retains the eaves line chimney. These other dormer window examples do not lead me to a different conclusion on the appeal proposal.
11. I note that there are elements of the Council's Householder Design Guide Supplementary Planning Document April 2012 (SPD) with which the dormer would comply. However, the dormer would not be set down from the roof ridge, its size would dominate the existing roof and the rear roof slope is particularly prominent in the street scene. In these respects, there would be conflict with the SPD.
12. The Council raises concerns that the proposed window detail would not be in keeping with the rear fenestration of the appeal property. I do not share the Council's concern that a single window placed centrally within the dormer elevation would be unsympathetic to the current arrangement of windows in

the appeal property. Nevertheless, because of its size, the proposal would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial.

13. Paragraph 202 of the National Planning Policy Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset (in this case the CA) should be weighed against the public benefits of the proposed development. In respect of the appeal proposal, there are no public benefits that would outweigh the great weight that should be given to the asset's conservation.
14. Moreover, I conclude that the proposed dormer window would conflict with Policies P10, P11 and P12 of the Leeds Local Development Framework Core Strategy (CS) November 2014, saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) (UDP), Policy BE9 of the Otley Neighbourhood Plan 2018 -2028 and the SPD. These collectively seek development appropriate to its context, which conserve and enhance heritage assets and townscape and respects character and appearance. The policies are consistent with the design and heritage objectives of the Framework with which the proposal also conflicts.
15. Conversely, the proposed rear extension would preserve the CA, thereby conforming to the above policies.

Conditions

16. No conditions are available that would mitigate the harm arising from the dormer. With regard to the single storey rear extension, in addition to the standard time period for commencement of the development, a condition requiring the development to accord with the approved plans is necessary, as it provides certainty and precision. A condition requiring the use of materials matching that of the existing building is also necessary to ensure an appropriate appearance for the development.

Conclusion

17. For the reasons given above, I conclude that the dormer roof extension would conflict with the development plan and there are no material considerations that would outweigh that conflict, therefore in this respect the appeal is dismissed. However, I conclude that the ground floor rear extension would accord with the development plan and the Framework, and therefore the appeal is allowed in this regard, subject to conditions.

Diane Cragg

INSPECTOR