



Appeal Decision

Site visit made on 24 June 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2022

Appeal Ref: APP/N4720/D/22/3298775

3 Stoneleigh Avenue, Shadwell, Leeds LS17 8FF

- 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 Irfan Shah against the decision of Leeds City Council.
 - The application Ref 21/09506/FU, dated 22 November 2021, was refused by notice dated 13 April 2022.
 - The development proposed was originally described as proposed side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - The character and appearance of the surrounding area; and
 - The living conditions of the occupiers of Nos 1 and 3 Stoneleigh Close with particular reference to privacy and No 1 Stoneleigh Close and No 5 Stoneleigh Avenue with particular reference to outlook.

Reasons

Character and appearance

3. The appeal site is located in a residential street comprising of a mixture of property types in an irregular layout. Despite this, there is a degree of consistency, and the appeal property shares the same design as No 5 and 7 Stoneleigh Avenue.
4. The appeal property has a balanced frontage with a central door with two windows either side. This pattern is reflected on the first floor with a central window above the door. The roof has three evenly spaced dormer windows which maintain the balanced nature of the front elevation and this characteristic contributes positively to the street scene.
5. The proposed side extension would maintain the same ridge and eaves line and, with only a very small set back from the front elevation, it would not appear a subservient feature, even though its width would be less than two thirds of the main dwelling. The proposal would also erode the balance of the front elevation. This would be exacerbated by the distance between the windows and dormer, which disrupts the repetitive harmony of the spacing of the existing fenestration, even though the window design would match the existing windows.

6. The proposal would be a prominent addition when viewed from the front and I recognise that the resulting dwelling would be similar in width to the adjacent property (No 1 Stoneleigh Avenue). However, the design of the neighbouring property incorporates two projecting gables which help break up the front façade.
7. Reference to a 2m setback in the Council's Householder Design Guide (HDG) relates to semi-detached dwellings on regular streets. However, the HDG does highlight the importance of side extensions being subservient and says that, as a general rule, the roof ridge should be set down from the house roof ridge. In this regard, the proposal would not accord with the guidance within the HDG.
8. I recognise that the slight setback from the front and omission of the string course detailing would mean that the proposal would be seen in the street as an extension to the original dwelling. However, for the reasons given above, it would do so in a manner that would appear as an incongruous, prominent addition that would fail to harmonise with the host dwelling.
9. Due to the irregular nature of the estate road layout, the distance to the dwelling at No 5 and the change in ground levels, there would remain a sense of space around the property despite the extension projecting toward the side boundary. In this regard, the proposal would not appear cramped in its surroundings.
10. The existing area to the front of the property is open in nature to the street. This contrasts with the neighbouring properties along this part of the road which are bordered by a combination of brick walling railings and planting. In this context the proposed boundary treatment would broadly align with the prevailing character in the street.
11. However, the position of taller areas of brick, set back from the footway, and frequently softened by planting, maintains a sense of openness within this part of the street. The proposed boundary treatment at the southwestern corner of the frontage would abut the footway and incorporate areas of tall and wide brickwork. These have a greater massing than the narrower brick pillars found elsewhere. Although there are some railings within this section which would allow views through, the extent of brickwork in this section would erode the open qualities to the front. Whilst the harm would be small, it nonetheless, exacerbates the harm I have identified from the side extension.
12. I therefore conclude that the proposal would harm the character and appearance of the area. The proposal would therefore fail to comply with the requirements of Policy P10 of the Council's Core Strategy (CS) (2014), saved Policies GP5 and BD6 of its Unitary Development Plan (UDP) (2006), the objectives of the HDG and paragraph 130 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that alterations are of an appropriate scale and design to the existing building and the wider context.

Living conditions

13. The neighbouring properties Nos 1 and 3 Stoneleigh Close (No 1 & 3) and No 5 Stoneleigh Avenue (No 5) border the garden of the appeal site and are positioned on the lower ground level. The proposed extension would project

- toward the appeal site's side boundary and would have upper floor windows, including a large extent of glazing with a Juliet balcony at its third floor.
14. This is a residential area and a certain degree of overlooking of gardens from upper floor windows is not unusual. Indeed, the neighbouring property to the appeal site has a Juliet balcony on its first-floor rear window near the boundary. However, the proposed Juliet balcony would be at the level of the existing roof slope. As such, the combination of this heightened position and the already elevated nature of the appeal site to Nos 1 and 3, would enable overlooking of the neighbouring rear gardens.
15. The angle of view toward No 1 would moderate the effects on this property. However, there would be a more direct view to the garden of No 3. There is boundary planting which would help provide some screening and the distance to the boundary exceeds that recommended in the Table on page 12 of the HDG, which sets down traditional minimum guide distances. However, this is a guideline only and the HDG recognises individual circumstances will apply, particularly where sloping sites are involved. In this case, the combination of the distance, presence of the Juliet balcony and its particularly elevated position would lead to an unacceptable loss of privacy. I accept that the greater distance to the dwellings would not lead to a significant loss of privacy in the houses. However, this does not alter my findings in relation to the gardens.
16. From within the gardens of No 1 and No 5, the bulk and massing of the proposed extension would be a prominent feature. By extending out at the same ridge and eaves as the host dwelling and projecting out to the rear with a gable feature, the proposal would have a top-heavy appearance with an unduly dominant massing. Although accurate topographical details have not been provided, the appeal site's higher ground level from the gardens of No 1 and No 5 would exacerbate these effects.
17. I accept that the two first floor windows would help break up the solid brickwork. However, this would be only to a small extent given the size of the windows and remaining extent of brickwork. As such, this would not moderate the effects from the overall bulk of the extension. Moreover, the proposal would not conflict with the Council's '12m code' as set down in its HDG. However, this relates to the outlook from windows rather than the relationship to gardens. It does not therefore alter my findings regarding the outlook from the gardens of No 1 and No 5.
18. To conclude on this matter, the proposal would result in an unacceptable effect on the living conditions of the occupiers of No 3 with particular reference to privacy and No 1 and No 5 with particular reference to outlook. I therefore find that the proposal would conflict with the requirements of Policy P10 of the CS, Policy GP5 of the UDP, the objectives of the HDG and paragraph 130 of the Framework. Collectively, amongst other things, these seek to secure good standard of living conditions for existing residents.

Other Matters

19. I understand that extending the property might meet the appellant's need for increased accommodation and it would improve the security to the front of the dwelling. However, I have not been presented with evidence of a particular crime issue here. Moreover, personal circumstances will seldom outweigh more

general planning concerns and the appellant's desire to extend the property does not, therefore, outweigh my concerns on the main issues.

Conclusion

20. For all the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.

21. Therefore, I conclude that the appeal should be dismissed.

Mr R Walker

INSPECTOR