



Appeal Decisions

Site visit made on 21 June 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal A Ref: APP/N4720/D/22/3295423

407 Whitehall Road, Lower Wortley, Leeds LS12 6LB

- 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 Abida Khanum against the decision of Leeds City Council.
 - The application Ref 21/08570/FU, dated 8 October 2021, was refused by notice dated 21 January 2022.
 - The development is a rear single storey extension.
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Appeal B Ref: APP/N4720/D/22/3295426

407 Whitehall Road, Lower Wortley, Leeds LS12 6LB

- 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 Abida Khanum against the decision of Leeds City Council.
 - The application Ref 21/09582/FU, dated 13 November 2021, was refused by notice dated 10 January 2022.
 - The development is an outbuilding.
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Decisions

1. Appeal A is allowed and planning permission is granted for a rear single storey extension at 407 Whitehall Road, Lower Wortley, Leeds LS12 6LB in accordance with the terms of the application, Ref 21/08570/FU, dated 8 October 2021, and the plans submitted with it.
2. Appeal B is dismissed.

Preliminary Matters

3. The rear extension and outbuilding are built. The rear extension appears to match that shown on the plans. There is some disparity between the constructed outbuilding and the submitted plans and details on the application form. The height of the outbuilding relative to the positioning of the windows and doors differs. The colour of the windows and doors differs to the house inclusive of the rear extension. The Council suggest the internal accommodation of the outbuilding differs to that shown on the plans, though I have not seen this evidence. For the avoidance of doubt, I have determined both appeals on the basis of the plans submitted.

Main Issues

4. The main issues in respect of both appeals are:

- The effect of the development upon the character and appearance of the host property and the area; and
- The effect of the development upon the living conditions of the occupants of the host property and those of 405 Whitehall Road

5. A further main issue in respect of Appeal B is:

- The effect of the development upon highway safety, with regard to the adequacy of parking provision

Reasons

Character and appearance

6. 407 Whitehall Road is a semi-detached property located within a predominantly residential area. The house is served by a relatively generous plot. No 407 is located on a corner where Whitehall Road meets Prince Edward Road. Approximately half-way along Prince Edward Road the highway bends and starts climbing in height before meeting Prince Edward Grove and Kirkdale Grove.
7. While not a uniform distance from the highway, the dwellings and outbuildings on Prince Edward Road are generally set well back creating an open and spacious character and appearance. The detached outbuilding comes quite close to the boundary of the property with Prince Edward Road and closer to that highway than the existing host dwelling, the garage which was formally on the land and houses to its rear which front onto Prince Edward Road. The proximity of the outbuilding to the highway is out of keeping with this. This is emphasised by the local topography as when viewing the site from the higher land on Prince Edward Road, around the point it meets Prince Edward Grove and Kirkdale Grove, more of the outbuilding is revealed increasing its prominence and creating a harmful, incongruous feature.
8. Consequently, I find the outbuilding subject to Appeal B contrary to policy P10 of the Leeds City Core Strategy 2014, as amended (CS) and policies BD6 and GP5 of the Leeds Unitary Development Plan (UDP) which require alterations and extensions to respect and enhance existing streets and be of a design and layout appropriate to its context.
9. The ground level where the rear extension is situated is lower than the highway on Prince Edward Road. The extension is set back from the footpath behind an area of garden. Furthermore, a fence is in place which provides some screening.
10. Though the projection of the extension from the rear of the house is significant it is single storey only. The extension is designed with matching materials and a hipped roof profile which is in keeping with the roof of the house and aids in reducing the height and mass of the extension.
11. Sizeable spaces in the rear garden remain between the rear extension and outbuilding and to one side of the rear extension. It may be the case that the rear extension is larger than some others in the area, but the scale of this

extension would not unduly dominate the garden. I also observed some large outbuildings and garage additions in garden spaces nearby and so I find that more modest extensions and alterations do not form an important part of the prevailing character of the area.

12. The Householder Design Guide Supplementary Planning Document (SPD) advises on extensions, includes guidance which is quite prescriptive and there is emphasis that extensions should respect the scale and proportions of the main dwelling. I have had regard to this content but, for the reasons given, find that the rear extension represents good design which in turn accords with the overall aims of the SPD.
13. As they are both situated at the rear of the property there is some cumulative effects from the rear extension and outbuilding given that they can be viewed together. I have found the outbuilding, alone, to be harmful. The presence of the outbuilding does not undermine that the rear extension is, in its own right, an acceptable alteration to the property in character and appearance terms.
14. Consequently, I find the rear extension subject to Appeal A is of a scale and design which respects the original building and the character of the surrounds in compliance with policy P10 of the CS and policies BD6 and GP5 of the UDP.

Living conditions

15. The SPD advises that extensions should leave sufficient usable private garden space for the enjoyment of residents and that normally no more than half the existing garden space should be covered by extensions. On my visit I noted a table and chairs for sitting out was available whilst clothes were out drying on a line. A front garden space also remains. More than half of the garden areas to serve the property remain available in some capacity and there is no obvious reason why this would not serve the needs of occupants.
16. I note the proximity of the rear extension to the front of the outbuilding. The SPD includes detailed guidance in respect to spacing distances in the interests of ensuring adequate living conditions. Though I am mindful that the effects of development upon present and future occupiers of the host property is a factor, the SPD guidance is clearly geared toward assisting assessment of the effects on neighbouring property occupiers. The SPD also emphasises that its content is to be used as a guide only. In this context, I find the proximity of the extension and outbuilding in respect to levels of light, outlook and privacy to remain acceptable and not compromised to the point that living conditions of occupiers would be harmed.
17. The overall height of the outbuilding is relatively low due to its flat roofed design, whilst the shallow, hipped roof design of the rear extension slopes away from No 405. No 405 contains a garage/outbuilding at the rear of its garden which is adjacent to the outbuilding subject to Appeal B. There is no obviously useable garden space immediately flanking the outbuilding subject to Appeal B due to the presence of this building. Although of shorter projection, No 405 has a conservatory extension which immediately flanks the single storey rear extension subject to Appeal A. The useable rear garden area of No 405 principally comprises of the space between its conservatory extension and its garage/outbuilding and this includes an external seating area. Much of this space therefore directly flanks the lower boundary wall between Nos 405 and 407 rather than the extension and outbuilding subject to the appeals.

18. As a result of this combination of factors I find that neither the extension, nor outbuilding individually or collectively cause an unduly harmful dominating or oppressive effect upon the garden area of No 405.

Highway safety

19. The outbuilding has replaced a previous garage building and built upon a driveway serving it accessed via Prince Edward Road. The outbuilding now prevents parking to the rear of the property. A driveway accessed via the corner of Whitehall Road and Prince Edward Road is currently serving to provide alternative parking within the bounds of the property. The Councils' Officer Report (OR) describes this driveway as "informalised" though it remains unclear to me as to whether this means planning permission is required for the driveway and/or access arrangements and that this has not been obtained.
20. The OR also sets out that bedroom and living accommodation has been created within the outbuilding but the plans themselves which are being determined depict a playroom and office.
21. Moreover, neither the evidence before me nor the findings on my site visit have demonstrated to me that harmful highway safety effects have occurred as a result of the outbuilding. In turn I cannot conclude that the development has resulted in inadequate parking provision with resultant demonstrable harm to highway safety. I therefore find no conflict with policy T2 of the CS.

Conditions

22. As the development has been carried out, I have allowed appeal A on the basis of the submitted plans and no conditions are necessary.

Conclusions

23. With regard to Appeal A I have found no harm in respect of character and appearance or living conditions and no conflict with the development plan. As such, I conclude that the appeal should be allowed.
24. Turning to Appeal B, I have found no harm in respect of living conditions or highway safety. However, this lack of harm is neutral in the planning balance so my findings of harm relating to character and appearance bring the development into conflict with the development plan, read as a whole. No material considerations have been demonstrated to be worthy of sufficient weight to warrant a decision otherwise than in accordance with it. Accordingly, appeal B is dismissed.

H Jones

INSPECTOR