The Planning Inspectorate

Appeal Decision

Site visit made on 12 July 2022

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/N4720/D/22/3300070
14 Victoria Gardens, Horsforth, Leeds LS18 4PH

- 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 & Mrs Robert and Rossanna Peraira Luiz against the decision of Leeds City Council.
- The application Ref 22/00349/FU, dated 17 January 2022, was refused by notice dated 14 March 2022.
- The development proposed two storey rear infill with single storey rear extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - the effect on the character and appearance of the area; and
   - the effect on the living conditions of the occupiers of 16 Victoria Gardens, with regard to privacy.

Reasons

Character and Appearance

3. The appeal site is a two storey semi-detached house on a corner plot, fronting Victoria Gardens. Victoria Walk is along the side elevation and the long linear garden to the rear. While there is limited unity in the design and appearance of properties in this residential area, there is similarity in the built form and spaces around the buildings, which creates an open character.

4. There is no dispute in relation to the two storey element of the rear extension. I note that there is variety in the appearance on the rear elevations of the dwellings along Victoria Gardens, with a number of examples of single and two storey projecting elements. Even though the single storey extension would be in part infilling, the full length of the extension would be experienced from Victoria Walk. While of a low height and partially screened by the existing boundary treatment, the single storey extension would appear as an incongruous addition to the original dwelling in this prominent corner plot location. Resulting in a noticeable difference in the built form.

5. The Council has raised concerns about the transition between the single and two storey elements. I note that the proposed side elevation drawing shows a number of details that do not appear to fully reflect the proposed form of the

building on this point and the appellant has provided no substantive evidence in rebuttal. I therefore find that the transition would be incongruous and, seen as part of the lengthy extension from the main rear wall, would detract from the character and appearance of the original dwelling.

6. Consequently, the proposals would cause harm to the character and appearance of the area. This is in conflict with saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (UDP) (Review 2006), and Policy P10 of the Core Strategy (as amended by the Core Strategy selective Review 2019) which, amongst other things, seeks new development that contributes to place making and is of a size, scale and form that is appropriate to its context.

Living Conditions

7. I note that there are no objections from the occupiers of 16 Victoria Gardens and there is an existing window in the location of the proposed balcony, which would be on the side of the house furthest from No 16. However, the proposals would bring the balcony opening in line with the rear elevation of the semi-detached properties. Moreover, there would be a flat roof outside the proposed doors indicating that a fully external balcony could be created. The Council sought clarification on this point, but there is no substantive evidence addressing it. Even if the plans show a balcony rail flush with the house wall, no control mechanism is before me to prevent future access to this area. As such, there would be increased views into the garden of No 16. This would cause harm to the living conditions of the occupiers of 16 Victoria Gardens, with regard to privacy, in conflict with saved Policy GP5 of the UDP which includes a requirement that development proposals should not have unresolved issues in relation to loss of amenity.

Conclusion

8. My above findings bring the proposals into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed

F Harrison

INSPECTOR