



Appeal Decision

Site visit made on 4 July 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 August 2022

Appeal Ref: APP/N4720/C/22/3294481

Land at 23 Rydall Street, Holbeck, Leeds LS11 9LF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the 1990 Act as amended).
 - The appeal is made by Mr A Iqbal against an enforcement notice issued by Leeds City Council.
 - The notice was issued on 2 March 2022.
 - The breach of planning control as alleged in the notice is, without planning permission the erection of a dormer to the front elevation of dwelling house.
 - The requirements of the notice are to: 1. Remove the dormer in its entirety from the roofscape; 2. Make good the roof with slates to match the remainder of the roof; and 3. Remove all debris and detritus resulting from steps 1 and 2.
 - The period for compliance with the requirements is: Six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Procedural Matter

1. The requirement at paragraph 5(1) of the notice is to 'remove the dormer in its entirety from the roofscape'. The term roofscape infers the collective roofs of properties in the area, rather than the singular roof of the property to which the notice relates. In this respect, the notice, as worded, is somewhat unclear. Accordingly, I will vary the wording of the requirement at paragraph 5(1) to make that clear.
2. The power under section 176(1)(b) of the 1990 Act allows that a notice may be varied provided that no injustice would be caused by doing so. I am satisfied that no injustice would be caused by varying the notice in the above respect.

The appeal on ground (a)

3. The appeal on ground (a) seeks that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. In this instance, the breach of planning control as alleged in the notice is the erection of a dormer to the front elevation of the appeal dwelling.
4. From the evidence before me, the main issue is the effect of the development on the character and appearance of the host dwelling and the area.

5. The appeal property is a Victorian, mid-terrace dwelling of redbrick and slate construction. The area is characterised by back-to-back terraces made up of properties of a similar age, style and materials which are laid out in a regular grid-iron formation. Many of the properties have been enlarged through the addition of box dormers, which are predominantly fairly modest in size and scale. As a result, dormers now form part of the area's established character and appearance.
6. The dormer as constructed is considerably larger than that which received planning permission in 2019¹. It is also larger than that which was refused planning permission in 2020² and incorporates the use of uPVC cladding at the front rather than hanging slate.
7. The constructed dormer extends over almost the whole width and pitch of the front roof slope of 23 Rydall Street. Its considerable size, bulk and massing results in a top-heavy and overly dominant addition to the dwelling and awkwardly abuts the chimney stack. Moreover, the position and square proportions of the dormer's fenestration conflict with the placing and verticality of the dwelling's windows. These harmful effects are exacerbated by the use of overtly stark and modern white uPVC cladding on the front face of the dormer, which uncomfortably jars with the traditional materials of this Victorian building and terrace.
8. By virtue of its disproportionate size, rudimentary design and contrasting materials, the dormer is readily visible and unduly prominent when viewed from adjacent public routes. Its undue presence conspicuously interrupts the terrace's roofscape of this section and side of Rydall Street, highlighting the structure's discordance on the dwelling and within the townscape.
9. In support of the appeal the appellant has highlighted the presence of other front dormers in the area which are stated to be 'identical to 23 Rydall Street', and has submitted images of similar front dormers on properties in the locale³. I viewed these when undertaking my site visit.
10. Whilst I note the similarities in terms of size, design and materials between the dormers referenced by the appellant and the appeal development, the Council has confirmed that all but two of them do not have planning permission and are time immune from enforcement action. Moreover, of the two that do have permission, one has not been implemented in accordance with the conditions attached to the permission and is now time immune from enforcement action⁴; and the other was assessed and granted in 1998 under a different national and local policy context⁵. The appellant has not disputed the Council's observations and I have no reason to question their validity. For these reasons, I am of the opinion that the presence of the dormers cited does not justify the acceptance of the appeal development and its identified harmful effects.
11. I acknowledge the general presence of many other box dormers on dwellings in the neighbourhood. However, the majority of these, including those on nearby dwellings on this section and side of Rydall Street, are markedly smaller in size

¹ Application Ref: 19/03240/FU granted 26 July 2019.

² Application Ref: 20/00085/FU refused 28 February 2020.

³ 12 Rydall Street; 38 Rydall Street; 52 Rydall Street; 40 Rydall Place; 55 Rydall Place; 1 Rydall Terrace; 10 Rydall Terrace; and 12 Rydall Terrace.

⁴ 12 Rydall Terrace, Application Ref: 06/01737/FU granted 11 May 2006.

⁵ 38 Rydall Street Application Ref: 21/245/98/FU granted 12 November 1998.

and scale, are set back from the eaves and in from the sides of the roofs and do not incorporate uPVC cladding on their front face. As such, the dormers which form part of the established character and appearance of the area are not comparable to the appeal before me and their presence does not warrant allowing the development.

12. Drawing all of the above together, I conclude that the development harms the character and appearance of the host dwelling and the area. In these regards it conflicts with Policy P10 of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019); Saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006); and Policy HDG1 of, and guidance in, the Council's Householder Design Guide Supplementary Planning Document, 2012.
13. Together, these policies and guidance require development to be of good design and high quality which is appropriate to its context; to resolve detailed planning considerations including design; and to respect the scale, form, detailing and materials of the main dwelling and the locality.
14. In addition, it would not accord with the National Planning Policy Framework, 2021, in relation to achieving well-designed places.
15. For the reasons given, the appeal on ground (a) fails.

Other Matter

16. I note the appellant's desire to comply with the Council on an 'amicable resolve', which the appellant considers has not been achieved. Nonetheless, of itself, this is not a matter for my consideration in the context of this appeal.

Formal Decision

17. It is directed that the enforcement notice is varied by:
 - in paragraph 5(1) of the notice, remove the word 'roofscape' and insert the word 'roof'.
18. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

F Cullen

INSPECTOR