

Appeal Decision

Site visit made on 8 August 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/N4720/D/22/3301988

49 Riviera Gardens, Potternewton, Leeds, LS7 3DW

- 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 Graeme Dawson against the decision of Leeds City Council.
 - The application Ref 22/01481/FU, dated 25 February 2022, was refused by notice dated 21 April 2022.
 - The development proposed is proposed second floor extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the wider area, having particular regard to the Riviera Gardens street scene.

Reasons for the Recommendation

4. The host property is a two-storey semi-detached dwelling of a distinctive Art Deco design. It has a flat roof, with corner windows and a render finish. It is located in a cul-de-sac where all the dwellings are semi-detached and are of a similar design and height to the host dwelling which gives a characteristic rhythm and a degree of uniformity to the street scene. As I saw at my site visit, although some of the dwellings have been extended with single storey side extensions, the consistent rhythm, spacing between the semi-detached pairs and consistency in their height has been maintained all of which contributes to the character and appearance of the street scene.
5. I acknowledge that the proposed second floor extension would be constructed of materials to match the host dwelling, would be set back from the front elevation and that views of it from the public footpath to the rear would be limited. However, the increase in height would be visible from much of the cul-de-sac and it would not appear as a subordinate addition to the host dwelling. It would appear as a dominant and noticeable feature, which would be unduly conspicuous in the street scene.

6. As the dwelling is semi-detached and has a symmetrical design with the neighbouring property, the appeal proposal would unbalance the uniformity in the appearance of the pair of dwellings. It would disrupt the consistency between the roof heights and therefore the similarity between the semi-detached pairs grouped around the cul-de-sac, which makes a positive contribution to the street scene.
7. Whilst I note that a number of changes have been made to address the reasons for refusal in a previous application¹ the proposal would still result in the addition of a second storey on one half of a semi-detached pair, which for the reasons outlined above would be detrimental to the host dwelling and the Riviera Gardens street scene.
8. I note the letters of support from neighbours and the indication that other homeowners would like to extend their properties by way of a second storey extension. However, I am only able to deal with the appeal before me and there is no mechanism before me which would ensure that neighbouring properties would be extended in a co-ordinated and similar manner to the appeal proposal.
9. In conclusion, the proposed development would cause material harm to the character and appearance of the host dwelling and the Riviera Gardens street scene. It would therefore fail to comply with Policy P10 of the Core Strategy (2019) and Policies GP5 and BD6 of the Unitary Development Plan Review (2006) which together, amongst other things, seek to ensure that development is appropriate to its location, is appropriate to its context and respects the character of the wider locality. It would also conflict with the guidance in the Householder Design Guide Supplementary Planning Document, which states that extensions should respect the scale, form, proportions and character and appearance of the dwelling and the locality with particular regard to roof form and line. Whilst the National Planning Policy Framework supports appropriate innovation and change in design, it also requires development to be sympathetic to local character and for the reasons outlined above, the proposal would not accord with that provision.

Other Matters

10. During my site visit, I saw the extensions to the similarly designed dwellings on Wensley Drive. This area has a mix of housing types and styles and the dwellings have varying heights and the street scene is therefore more diverse and not comparable with the circumstances and context of Riviera Gardens. Therefore, at Wensley Drive, the addition of a second storey extension on some of the dwellings has not harmed the character and appearance of the area. I have assessed this appeal on its own merits, based on the site-specific circumstances of the case.
11. I acknowledge the circumstances of the appellant and the need for additional living space to meet modern standards and family needs and the impact on the community due to families moving away from the area. I also note that the area is not within a Conservation Area and that the Council's Conservation Officer considers that the criteria for designation of Riviera Gardens as a Conservation Area would not be met. Whilst these factors attract some limited

¹ Ref 21/00505/FU

weight in favour of the proposal, they do not overcome the harm I have found to the character and appearance of the host dwelling and the street scene.

12. Whilst the Government has expanded Permitted Development Rights for additional storeys under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), that right is subject to limitations and conditions. I have not been made aware of any fallback position under the GPDO and this is an appeal against a refusal of planning permission. As such, the provisions of the GPDO are not a matter to which I attach any weight in favour of allowing the appeal.
13. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

Conclusion and Recommendation

14. The proposed development would conflict with the development plan, read as a whole and there are no other material considerations, that would outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Sarah Housden

INSPECTOR