



Appeal Decision

Site visit made on 28 September 2022

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022

Appeal Ref: APP/N4720/C/22/3298353

25 Fairburn Drive, Garforth, Leeds LS25 2AR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Mr Craig Currie against an enforcement notice issued by Leeds City Council.
 - The notice was issued on 12 April 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of a brick built first floor rear extension.
 - The requirements of the notice are:
Step 1: Demolish the first floor rear extension in its entirety and make good the walls and roof of original dwelling.
Step 2: Remove all debris and detritus resulting from Step 1.
Or
Step 3: Demolish the first floor rear extension and construct a rear dormer so that it accords with the plans attached to planning permission 20/05543/FU.
Step 4: Remove all debris and detritus resulting from Step 3.
 - The period for compliance with the requirements is 1 year.
 - 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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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a brick built first floor rear extension at 25 Fairburn Drive, Garforth, Leeds LS25 2AR, as shown on the plan attached to the notice.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the dwelling and the area.

Reasons

3. The appeal property is one of a pair of semi-detached dormer bungalows within a residential area. In 2020, planning permission was granted for alterations to the property, including a single storey rear extension and a rear dormer¹. The development actually carried out is not what was permitted. In particular, a first floor rear extension has been constructed instead of the dormer. A

¹ Ref 20-05543-FU

shallow-pitch rear roof slope now extends from the main ridge of the house over the new extension. The first floor extension is as wide as the original house, projects noticeably further rearward than the rear dormer on the attached neighbouring No 23 and has higher eaves as well. Viewed from the rear, the symmetry of the pair has been lost. Although views of the extension are limited, the side elevation is in clear view from the road and there are glimpses of the rear elevation from a pathway and open space to the rear.

4. The development permitted by the Council would have been truer to the form of the original dwelling. Nevertheless, the development has resulted in a building which is satisfactory in terms of its massing and overall composition. While the extension is perhaps not subservient to the original building, it does not dominate it or result in a building that is excessive within its setting. It has altered the shape of the rear of the dwelling rather than being a discrete new element, but that does not make the resulting design unacceptable. In my judgement, the development blends with the pre-existing elements satisfactorily and meets the aim of respecting the scale, form and detailing of the original building.
5. While the area contains some similar dormer bungalows, there is sufficient variation in house types to ensure that this revised property does not appear out of place. In any event, the unaltered front elevation means that the effect on the street scene is limited, essentially confined to the changes to the side elevation. Although the brickwork is somewhat lighter in colour than the brick of the original dwelling, it matches that of the ground floor extension, and is an appropriate material in my view. Direct views of the rear of the extension are limited and the fact that the eaves of the extension are higher than the neighbouring dormer is not a harmful characteristic.
6. I have been provided with an extract from the Council's Householder Design Guide supplementary planning document. However, the extract is concerned with dormer windows and is not applicable to the first floor rear extension targeted by the notice. The development as built needs to be considered on its own merits rather than by comparing it to the dormer the Council permitted.
7. For these reasons I conclude that the development has not harmed the character or appearance of the dwelling or the area. Consequently, there is no conflict with the design aims of policy P10 of the Council's Core Strategy and policies GP5 and BD6 of the Leeds Unitary Development Plan Review 2006. Thus, the development complies with the development plan as a whole. I find no conflict either with the design aims of the National Planning Policy Framework.

Conclusion

8. For the reasons given above, I conclude that the appeal should succeed. I shall grant planning permission for the development as described in the notice. I have considered whether any planning conditions should apply, but none are necessary in my view.

Peter Willows

INSPECTOR