



Appeal Decision

Site visit made on 17 October 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/N4720/W/22/3304719

8 Shadwell Park Close, Shadwell, Leeds LS17 8TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nicholas Warner against Leeds City Council.
 - The application Ref 22/01042/FU, is dated 11 February 2022.
 - The development proposed is described as side and rear extension at first floor level over existing extension to detached dwelling house.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Nicholas Warner against Leeds City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Following submission of the appeal against non-determination, the Council has provided a Statement of Case, which reasons why the Council would have refused planning permission had it been able to do so. Therefore, the main issue below is taken from this document.
4. The appellant submitted additional images and photographs to the Council showing the existing and proposed rear elevation when viewed from Roundhay Park Lane. Even if this was not before third parties prior to the appeal, it forms part of the appellant's appeal statement. As this information provides clarification of the effect of the proposal rather than changing it, and all parties have had the opportunity to comment on this through the appeal process, I do not consider that any interests would be prejudiced if I take it into account. I have therefore determined this appeal based on the information provided.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

6. The character of the surrounding area is generally consistent with most properties being detached and of a similar style, design and scale. The appeal property is two storeys in height with single storey side and rear extensions. It is set back from the estate road, within a corner plot, and has neighbouring

properties relatively close to its front and side elevations. To the rear of the house there is a garden with wall and high boundary fence. The property's rear first floor is visible from Roundhay Park Lane.

7. The proposal would consist of a side gable extension and rear two gable extension at first floor level. Both would be over the existing single storey extensions. The rear proposal would have a relatively modern fenestration consisting of three large windows. Rather than having the existing brick finish of the building, the proposal would be typically rendered.
8. The proposed extensions would be a sizeable addition and while they would sit on the existing property's footprint and would not increase its roof height, they would significantly increase the scale and mass of the property's side and rear elevations at first floor level. They would also significantly add to the roof mass and its complexity. The extensions would dominate the host property and not respect its scale, form or proportions. They would not be a sympathetic addition and would not be in keeping with the character and appearance of the host property or the simpler form of the neighbouring properties. The proposal's rear extension would be an incongruous addition in the existing rear streetscene and even with the high rear boundary fence, it would be highly visible from the public road and footpaths.
9. The proposed rear modern first floor windows would also be radically different to, and jar with the existing more traditional fenestration of the host and surrounding properties. While the submitted 3D rendered drawing of the proposed rear elevation does not show the true colour of the render, it does show the extent of the fenestration change and large massing that would occur. It also shows how a render finish would conflict with the estate's characteristic brick finish.
10. The appellant has tried to create a contrasting design which avoids a pastiche style. However, whilst the design and materials of the scheme before me would clearly be contrasting, it would be unacceptable and discordant in this particular context.
11. The Hyde Park Cinema example is located distant from the site in a denser housing area which has a mix of frontages and while 19 Shadwell Place Drive is nearby, it is a more isolated site, well separated and with no public views to the rear area. Neither example is directly comparable by reason of their nature and location relative to the appeal site.
12. Consequently, I conclude that the proposal would cause significant harm to the character and appearance of the host property and the surrounding area. It would be contrary to Policy P10 of the Leeds Core Strategy (2014 Amended 2019) and saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (2006). These policies seek, amongst other matters, to promote good design and ensure the size, scale, design and layout of development is appropriate to its context and respects the character and quality of surrounding buildings.
13. The proposed development would also be contrary to guidance contained in the Leeds Householder Design Guide Supplementary Planning Document 2012. This guidance outlines that extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. It also details how extensions that are visible from the street can harm the appearance of a wider area if the design is inappropriate.

14. The proposal would also not accord with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to, amongst other matters, ensure that development adds to the overall quality of the area.

Other Matters

15. The proposal would not unacceptably affect neighbours' privacy or light, and would provide increased floor space within the property, however these benefits do not outweigh the harm I have found to character and appearance.
16. The appellant raises several concerns regarding the Council's handling of this application, including the lack of response and its reference that pre-application advice did not take place. However, these are a procedural matter between the appellant and the Council and do not affect the merits of the case.

Conclusion

17. For the reasons given above, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that I conclude the appeal should be dismissed.

J Symmons

INSPECTOR