



Appeal Decision

Site visit made on 25 January 2023

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/N4720/D/22/3303329

38 Parkstone Avenue, Lawnswood, Leeds LS16 6EN

- 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 Singh against the decision of Leeds City Council.
 - The application Ref 22/03240/FU, dated 3 May 2022, was refused by notice dated 29 June 2022.
 - The development proposed is described as 'householder planning for a single storey rear extension, hip to gable roof conversion including rear flat roof dormer. Formation of replacement double garage.'
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The Council's evidence suggests that they do not object to the effect of the proposed development on the area, stating that the extension would not be visible from the public highway and as such would not harm "the visual amenity of the street scene." They also set out that the alterations to the roof would be commensurate with allowances under permitted development set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Resistance thereof would therefore be unreasonable. There is no compelling reason for me to disagree.
3. I have therefore focussed on the outstanding contentious issues. These are the effect of the rear extension and the garage on a) the character and appearance of the dwelling and the area; and b) the living conditions of the occupiers of Nos 36 and 40 Parkstone Avenue.

Reasons

Character and Appearance

4. The appeal building is one half of a pair of modern hipped roof two storey semi detached dwellings. They are set back from and facing the road with parking to the side and garaging to the rear. Although unremarkable in their design, there is a strong consistency to the street scene. Some local dwellings have been extended, some through roof changes which include dormer windows. Overall, the pair of dwellings are modest in their size and proportions, a trait indicative of their age and design. A dormer window has been inserted into the rear roof slope and the hipped roof has been changed to a gable. It is unclear if these works are in pursuant of the appeal scheme albeit I note the Council's

comments as I have referred to them above on the allowances under the GPDO for the same.

5. The rear extension would be an addition to the building of substantial scale despite its single storey design. It would visually compete with the modest proportions of the host dwelling despite its now partially altered state. In addition, its use of a flat roof would not be reflective of the traditional form of the host dwelling. Ordinarily, different in this case wouldn't give rise to harm in and of itself but, when considered alongside the size, shape and overall design of the rear extension, it would appear incongruous. Its alleged lack of obviousness in the public realm would reduce the harm the extension would create to a degree, but not to the extent that it would be acceptable.
6. The garage would be substantial in scale but set back from the main dwelling and have a pitched roof. It would therefore have a recessive presence in the street scene and be reflective of the area's prevailing use of traditional design elements. It would not therefore give rise to any harm to the character and appearance of the area.
7. Despite this, the rear extension would conflict with Policy P10 of the Leeds City Council Core Strategy Selective Review (CS) (2019), saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (UDP) (2006), Policy HDG1 of the Householder Design Guide Supplementary Planning Document (SPD) (2012) and the National Planning Policy Framework (the Framework) (2021). Together, and amongst other things, these policies require new development, extensions to dwellings specifically, to respect the scale, form and design of the host building and are of a high quality, inclusive and contextually appropriate design generally.

Living Conditions

8. The extension would project out the rear of the dwelling by a significant degree. Despite being single storey, its length, scale and close proximity to the shared boundary would be visually imposing and overbearing to both users of the immediate rear garden space to No 36 and occupiers of the ground floor rooms closest to the shared boundary. In terms of the replacement garage, it would be larger than the existing and close to the shared boundary with No 40. That said, there is an intervening structure in No 40's garden which would provide some shielding. Between this, the distance between the proposed garage and No 40's garden and the fact that it is on a noticeably higher ground level there would not be any harm to the living conditions of its occupiers.
9. The appellant's evidence alludes to written support from the occupier of No 36 which I acknowledge, but in my considerations, I am not assessing whether anyone necessarily objects, but whether there would be any material harm arising out of the development itself in terms of the main issue. In addition, the occupier of No 36 could change in the future. I am also aware of what could be erected under Schedule 2, Part 1, Class A of the GPDO but an application for prior approval thereunder is not before me. My conclusions are therefore unchanged.
10. Whilst there would be no harm to the occupiers of No 40, this would not be sufficient to weigh against the harm that would be caused to the occupiers of No 36 in the terms I have set out. This would lead to conflict with Policy P10 of the CS, saved Policy GP5 of the UDP and Policy HDG2 of the SPD. Together,

and amongst other things, these policies seek to ensure that development is of a high quality and inclusive design which protects the residential amenity of an area and avoids the loss of amenity to neighbours and generally.

Other Matters

11. I am aware of the allowances for outbuildings under Class E of Schedule 2, Part 1 of the GPDO but do not have any firm details of a comparison with its provisions before me in regard to the garage. However, it is not for my consideration of this appeal under Section 78 of the Planning Act 1990 to make a judgement on the lawfulness of a given development which should be pursued by other means.

Conclusion

12. For the reasons I have set out, the appeal scheme would be harmful on both main issues, resulting in conflict with the development plan. The lack of harm I have found would be incapable, by definition, of weighing against such harm and conflict, to which I would ascribe substantial weight. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should not therefore succeed.

John Morrison

INSPECTOR