



Appeal Decision

Site visit made on 13 February 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2023

Appeal Ref: APP/N4720/D/22/3311670

32 Lingfield Approach, Leeds, West Yorkshire LS17 7HJ

- 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 Mrs Kathy Nobel against the decision of Leeds City Council.
 - The application Ref 22/05512/FU, dated 8 August 2022, was refused by notice dated 4 October 2022.
 - The development proposed is disabled access porch to front elevation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, the porch appeared to have been completed. I have dealt with the appeal accordingly.
3. For the sake of brevity and clarity I have taken the description of development from the Councils decision notice.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the appeal property and surrounding area.

Reasons

5. The area surrounding the appeal site is characterised predominantly by semi-detached residential properties. The properties are mainly constructed of similar design and architectural detailing with the built form being consistent. Whilst there are some modest alterations to some of the buildings it is the consistent built form and architectural design that contributes positively to the character of the area.
6. The porch sits centrally and is approximately a third of the width of the existing property. Nevertheless, the porch is a large structure in terms of mass and height, that dominates the appeal property and appears as an alien feature. There are extensions to other properties in the area including side and porch additions however, these are modest in scale whereas the appeal porch is an obtrusive structure that does not respect the scale and proportions of the existing property.
7. The appeal property is positioned on a corner location and the front amenity space of the site is substantial. The angle of the property also ensures that the porch does not extensively project forward of the building line in the street.

Due to the scale, design and form of the porch, it is an incongruous feature that has a detrimental effect on the appeal property and the surrounding area.

8. My attention has been drawn to development at 72 Lingfield Drive. This development is not directly comparable to the appeal scheme, particularly with regards to scale and design. In any case, I have determined this appeal on its own merits.
9. The proposal would have a harmful effect on the character and appearance of the appeal property and the surrounding area. The proposal would be contrary to Policies P10 and P12 of the Leeds Local Plan Core Strategy 2019, saved Policies GP5 and BD6 of the Leeds Unitary Development Plan 2006, Policy HDG1 of the Leeds Householder Design Guide and the National Planning Policy Framework (the Framework) which seeks all extensions to respect the scale, form, proportions, character and appearance of the main dwelling and locality.

Other Matters

10. I have had regard to the appellants statement of case including current care arrangements for a registered disabled person, emergency care and fostering, and that the porch ensures that individuals requiring care can access the property safely. I also note comments regarding an individual that is using a wheelchair due to foot surgery. There is, however, no compelling justification as to why the size of the porch subject of this appeal is required for the specific needs of the household.

Conclusion

11. I recognise that the failure of this appeal could affect arrangements for the appellant, in particular the care of children. Having regard to the circumstances drawn to my attention, this would represent an interference with their rights under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. However, having regard to the legitimate and well-established development plan policies which aim to protect against harm to the character and appearance of an area, in this case I consider that greater weight is attached to these. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the appellant or other members of the household.
12. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
13. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR