



Appeal Decision

Site visit made on 15 February 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2023

Appeal Ref: APP/N4720/D/22/3307975

169 Adel Lane, Adel, Leeds LS16 8BY

- 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 L Crowther against the decision of Leeds City Council.
 - The application Ref 22/02948/FU, dated 20 April 2022, was refused by notice dated 15 July 2022.
 - The development proposed is part two and single storey rear extension, single storey side extension, loft extension, habitable outbuilding to the rear and window alterations.
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Decision

1. The appeal is dismissed insofar as it relates to the part two and single storey rear extension, single storey side extension, loft extension and window alterations.
2. The appeal is allowed and planning permission is granted, insofar as it relates to the habitable outbuilding to the rear, at 169 Adel Lane, Adel, Leeds LS16 8BY in accordance with the terms of the application, Ref 22/02948/FU, dated 20 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the allowed matter: DWG No 001; 002; and 008.
 - 3) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The outbuilding hereby permitted shall not be used or occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 169 Adel Lane, Adel, Leeds LS16 8BY.

Main Issues

3. The main issues are the effects of the proposals on:
 - The character and appearance of the surrounding area; and
 - The living conditions of the occupiers of No 167 Adel Lane (No 167) with particular reference to outlook.

Reasons

Character and appearance

4. The appeal property is a two-storey detached dwelling, with a second floor in the roof space, located along a residential road, comprising of similar scaled detached and semi-detached properties. It has a hipped roof form with a front gable feature with distinctive and attractive detailing around the door and window.
5. The proposed rear extensions, taken together, would result in a substantial addition to the host property. Moreover, the proposed rear gable roof form, combined with the length of the two-storey extension and size of the proposed side dormer window would significantly alter the three-dimensional form of the dwelling. Cumulatively, the bulk and massing at the first floor and roof would result in unduly dominant additions.
6. The length and width of the single storey extension would exacerbate this harm. The fenestration on the ground floor rear elevation spans to the side, beyond the core of the original house, resulting in an awkward arrangement that would jar injuriously with the upper floors fenestration.
7. Taken together, these elements would harm the character and appearance of the host dwelling. The alterations to the roof would be visible in some limited views in the street scene. However, most views of the proposals would be limited to private views. Nonetheless, even small incremental additions can harm the character and appearance of the area.
8. In this regard, I saw how the scale and form of the two-storey rear addition to No 171 Adel Lane does not respond positively to the character and appearance of the host property. I do not have the full details of the circumstances that led to these proposals being accepted. Nonetheless, the extensions to the neighbouring property do not justify a further erosion of the character and appearance of the area, from the appeal proposal, which are greater in their scope, combining the additional width and larger dormer.
9. The appeal property and other houses along the western side of the road have distinctly long rear gardens. In this regard, the overall length of the projecting extensions would not appear out of proportion with the plot length and there would remain a considerable amount of garden space. The absence of harm in this regard does not outweigh my concerns as set out above.
10. The habitable outbuilding would be positioned at the bottom of the long garden. It would have a hipped roof form with a low profile and modest depth. As such, it would appear modest in scale and a subordinate structure, incidental to the host property, despite it nearly filling the plot width. It is evident from the plans that are before me, that this aspect of the appeal scheme is clearly severable, both physically and functionally, from the extensions and alterations to the dwelling.
11. To conclude on this main issue, I find that the proposed habitable outbuilding would not harm the character and appearance of the surrounding area. However, I find that the part two and single storey rear extension, single storey side extension, loft extension and window alterations would harm the character and appearance of the surrounding area.

12. I therefore find no conflict, insofar as it relates to the habitable outbuilding, with Policy P10 of the Council's Core Strategy (CS), Policies GP5 and BD6 of its Unitary Development Plan (UDP) or Policy HDG1 of its Householder Design Guide Supplementary Planning Document (SPD). However, I do find conflict, insofar as it relates to the part two and single storey rear extension, single storey side extension, loft extension and window alterations, with Policy P10 of the CS, Policies GP5 and BD6 of the UDP, and Policy HDG1 of the SPD when taken together. Amongst other things, these seek to ensure that alterations are of an appropriate scale and design to the existing building and the wider context.

Living conditions – No 167

13. The proposed two storey rear extension would project beyond the rear façade of No 167, infringing the so called '45-degree code'. This, according to the Council's SPD, should be taken from the nearest edge of the closest window to the boundary. The appellant's illustration showing the extent of infringement, indicates that a small section of the two-storey extension would fall within the 45-degree line from both ground floor and first floor windows. However, there would only be a very small degree of infringement at the ground floor window. Moreover, both No 167 and the proposed extension are off set from the boundary, moderating the effects on outlook. In this regard, I do not consider the extent of loss of outlook to be excessive.
14. The Council has raised no concerns in respect of the effects on the living conditions on No 167 from the proposed outbuilding. I have no reason to disagree. The proposed habitable outbuilding would be of a modest scale set at the back of the long rear garden and it would not be an overly dominant feature from No 167.
15. To conclude on this main issue, I find that the proposals would not have an unacceptable effect on the living conditions of the occupiers of No 167 with particular reference to outlook. I therefore find no conflict with the provisions of Policy P10 of the CS and HDG2 of the SPD. These, amongst other things, seek to protect the amenity of existing residents.

Other Matters

16. Concerns regarding the processing of the application are not matters for my consideration and do not alter the planning merits of the proposal.

Conclusion and conditions

17. The proposed habitable outbuilding is clearly severable, both physically and functionally, from the part two and single storey rear extension, single storey side extension, loft extension and window alterations.
18. Accordingly, for the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the habitable outbuilding. However, the appeal is dismissed insofar as it relates to the part two and single storey rear extension, single storey side extension, loft extension and window alterations.
19. In respect of the allowed elements, I have attached the standard time limit condition (1) and a plans condition (2) as this provides certainty. I have also included a condition (3) requiring the materials of the habitable outbuilding to be agreed with the Council, as the details are not before me, and in the

interests of the appearance of the building. I have also included a condition (4) stipulating that the habitable outbuilding is to remain ancillary to the residential use of the host dwelling in the interests of the amenity of the area.

Mr R Walker

INSPECTOR