The Planning Inspectorate

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: 09 March 2023

Appeal Ref: APP/N4720/D/22/3308624
3 Alwoodley Lane, Alwoodley, Leeds LS17 7PU

- 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 Ms A Lamstaes against the decision of Leeds City Council.
- The application Ref 22/04452/FU, dated 27 June 2022, was refused by notice dated 9 September 2022.
- The development proposed is alterations including two storey front and side extension and single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for alterations including two storey front and side extension and single storey rear extension at 3 Alwoodley Lane, Alwoodley, Leeds LS17 7PU in accordance with the terms of the application, Ref 22/04452/FU, dated 27 June 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: Drawing Nos: 1000; 1001; 1002; and 1003 all v3.1.

    3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Applications for costs

2. An application for costs was made by Ms A Lamstaes against Leeds City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. During the application the appellant submitted amended plans (v3.1) omitting a wall initially shown on the boundary that rose just above the ground floor windows of the attached property. The Council subsequently determined the application based on the amended plans (v3.1).

4. Amended plans (v4 and v5) have been included as part of the appeal submission for information, or if I am minded to consider the v4 plans, as an alternative. The appeal process should not be used to progress alternatives to a scheme that has been refused. If I were to determine the appeal based on the alternative option (v4), it is possible that the interests of parties who might

wish to comment would be prejudiced[1]. To avoid any doubt, I have determined the appeal based on the plans that the Council made its decision on (v3.1).

Main Issue

5. The main issue is the effects of the proposed development on the street scene in Alwoodley Lane.

Reasons

6. The appeal property is a two-storey semi-detached dwelling located along a road characterised by predominantly detached and semidetached houses. The host property and its attached dwelling have hipped roofs and distinctive two-storey gable features that rise to the first floor.

7. Several other semi-detached houses along the road share the same house style features. However, the number of extensions and alterations to houses along the street has significantly eroded any previous repetitive pattern. Such alterations, include, amongst other things, hip to gable alterations and two-storey side extensions of varying designs. These now form part of the existing street scene in their various guises.

8. The attached neighbouring property has been extended to the side with a flat roof two-storey extension, such that the balance of the pair has already been eroded to a modest degree. The proposals would more substantially unbalance the pair of semi-detached dwellings by extending to the side, maintaining the same roof height and by introducing an additional gable feature on the front. It would do so in a similar manner to that approved at No 31 Alwoodley Lane (No 31).

9. No 31 is a short distance from the appeal property, and along the same side of the street. I saw that it was being constructed, with the external structure nearing completion and forming part of the street scene. In my view, it will not be overly dominant or harmful once complete, even though it unbalances that pair of semi-detached houses and is highly visible along Alwoodley Lane and from the junction with the Crescent.

10. The location of the appeal site close to the junction of Alwoodley Lane and King Lane is in a highly visible position. However, due to the positioning and orientation of the neighbouring pair of semi-detached dwellings at the junction of King Lane, and the low height of the garage in between, there would remain a sufficient distance between the proposed extended house and neighbouring house so as not to appear cramped in the street. Moreover, the nearest neighbouring property toward the junction of King Lane has had a hip to gable roof alteration. This has significantly unbalanced that pair of properties.

11. The design would replicate features from the original property, including the roof form and materials. Moreover, the proposed cat slide roof element of the proposed development would provide a degree of subservience. I find no firm reasons why the contrast between traditional and contemporary glazing cannot succeed on the subservient part of the side extension, particularly where there are no strict repetitive patterns to extensions on the street.

[1] Annex M of the *Procedural Guide Appeals – England* advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

12. The proposed development would unbalance the pair of semi-detached properties. Moreover, there is no dispute between the main parties that the proposals would be at odds with some of the detailed guidance within the Council's Householder Design Guide (HDG). However, in this particular street, due to the number of alterations and extensions undertaken to other houses, which now form part of the street scene, and the position and orientation of the neighbouring pair of semi-detached houses, I do not consider that the proposals would amount to an overly dominant or unsympathetic addition to the host property. As such, I find no conflict with the objectives of the HDG, when taken as a whole.

13. The Council raised no specific concerns regarding the proposed rear extension. It would not be a visible addition in the street scene. Moreover, it would be of a modest scale, projecting out to the rear to a small degree and would be an appropriate addition to the rear.

14. To conclude, the proposed development would not have a harmful effect on the street scene in Alwoodley Lane. I therefore find no conflict with the requirements of Policy P10 of the Council's Core Strategy, Policies GP5 and BD6 of the Council's Unitary Development Plan, the provisions of the National Planning Policy Framework, the objectives of the HDG or the wider aims of the Alwoodley Neighbourhood plan (NP), including the requirements of Policy BE2 of the NP, when taken together. These say, amongst other things, that extensions or alterations which harm the character and appearance of the main dwelling or the locality will be resisted.

15. The proposed rear extension would be positioned away from the boundary with the attached neighbouring property and would have a modest depth and height. As such, even if there were some loss of evening sunlight, when seen between gaps along King Lane from the neighbouring patio or inside, this would not amount to an unacceptable impact on living conditions. Moreover, any disturbance during construction would be for a temporary period and would not amount to a reason to withhold planning permission.

16. In addition to the standard implementation condition (1), a condition (2) is necessary to ensure the development is carried out in accordance with the plans submitted with the application. A condition (3) to ensure that the materials match those used on the original building is necessary in the interests of the visual amenity of the area.

17. For the above reasons the appeal is allowed subject to conditions.

Mr R Walker

INSPECTOR