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## Appeal Decision

Site visit made on 7 February 2023

**by K Williams MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> March 2023**

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**Appeal Ref: APP/N4720/D/22/3312762**

**3 Hawks Nest Gardens South Alwoodley, Leeds LS17 7JG**

- 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 and Mrs Guljari Singh and Harmashe Kaur Roth against the decision of Leeds City Council.
  - The application Ref 22/04280/FU, dated 20 June 2022, was refused by notice dated 16 September 2022.
  - The development proposed is described as 'demolition of existing rear conservatory, erection of two-storey side and single storey rear extensions.'
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing rear conservatory, erection of two-storey side and single storey rear extensions at 3 Hawks Nest Gardens South Alwoodley, Leeds LS17 7JG in accordance with the terms of the application, Ref 22/04280/FU, dated 20 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: 001 Existing (April 2022); and 002 Rev a Proposed Floor Plans and Elevations (April 2022) received 6<sup>th</sup> September 2022.

### Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. I sought the views of the main parties on the plans considered by the Council, as I was provided with two different plans with the same reference. The matter has been clarified and I have proceeded on this basis.

### Main Issue

4. The main issue is the effect upon the character and appearance of the host dwelling and surrounding area.

## Reasons

5. The appeal property is a semi-detached dwelling on a corner plot at the junction of Hawks Nest Gardens South and Hawks Nest Garden West. The character and appearance of the immediate area is residential, consisting of regularly spaced pairs of semi-detached dwellings. However, the appearance of the dwellings varies, and no single type of dwelling style dominates. At my site visit, I observed corner properties tend to be sited in more spacious plots and some of those in proximity to the appeal site within Hawk Nest Gardens West and East have 2-storey side extensions.
6. The width of the 2-storey side extension would not extend beyond the substantial pitched roof garage which is to be demolished. Notwithstanding that corner properties and gardens make a contribution to the spatial character of the area, the appeal site has a generous amount of space at the corner, and it would not fill the width of the plot.
7. The 2-storey side extension would be seen against the backdrop of the brick 2-storey elevation of the neighbouring dwelling at No.1 Hawks Nest Gardens West, which already foreshortens views and openness. The side extension would therefore not harmfully encroach in front of open gaps when viewed from the front of the site. As the proposed side extension is narrow in depth and set in from the rear wall of the host dwelling nor would it significantly intrude in views from Hawks Nest Gardens West and the corner where it meets Hawks Nest Gardens South and East.
8. The Officer report sets out that the proposal would represent a continuation of the original style and design with appropriate matching materials, and that a degree of subservience is retained to the original dwelling. To my mind, the subservient height, width and depth would read as an extension, rather than the continuation of the main building thus preventing the appearance of a terrace. This proportionate addition would not appear overly dominant nor incongruous in the streetscene.
9. The Council contends that the absence of windows on the rear elevation would not be appropriate. However, due to the oblique angle they would be viewed at, and intervening development of the dwelling and garage at No.1 Hawks Nest Gardens West, this would not be particularly noticeable or detrimental to the external appearance of the host property.
10. I am satisfied that the proposals would not be out of place in its surroundings. I therefore conclude the proposed development would not be harmful to the character and appearance of the host dwelling and surrounding area.
11. Consequently, the proposal accords with policy P10 of the Leeds Core Strategy (2019) and saved policies BD6 and N25 of the Leeds Unitary Development Plan (2006). The proposal would also fulfil the requirements of Policy BE2 of the Alwoodley Neighbourhood Plan (2018). The proposal would accord with the Householder Design Guide Supplementary Planning Document April 2012. Combined and insofar as they are relevant to the appeal, these policies and guidance require that new development is appropriate to the surrounding area, the environment and seeks to ensure all extensions are appropriate to the main dwelling. For similar reasons, the proposal complies with the National Planning Policy Framework where it seeks to achieve well-designed places.

### **Oher Matters**

12. The Council has not raised any concerns about the single storey rear extension, nor the effect on the proposed development on the living conditions of residents of neighbouring properties. I agree with their assessment and therefore see no reason to disagree on this matter.
13. The Council's officer report refers to the risk of precedent. However, the Council's ability to exercise its judgement in relation to similar development proposals on other sites is not undermined by allowing the appeal because each case is determined on its own merits and each site will have different constraints and opportunities.

### **Conditions**

14. The Council did not suggest any conditions. Therefore, in addition to the standard time limit, I have imposed a condition to specify the approved plans as this provides certainty.

### **Conclusion**

15. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

*K Williams*

INSPECTOR