



Appeal Decision

Site visit made on 17 January 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2023

Appeal Ref: APP/N4720/W/22/3308245

33A Vesper Road, Kirkstall, Leeds LS5 3NU

- 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 Ingenious Property Refurbishment against the decision of Leeds City Council.
 - The application Ref 22/04428/FU, dated 24 June 2022, was refused by notice dated 22 September 2022.
 - The development proposed is the construction of one new dwelling to side; alterations and single storey rear extension to existing bungalow with terrace area to rear.
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Decision

1. The appeal is dismissed insofar as it relates to one new dwelling to side. The appeal is allowed insofar as it relates to alterations extension to the existing bungalow and planning permission is granted for alterations and single storey rear extension to existing bungalow with terrace area to rear at 33A Vesper Road, Kirkstall, Leeds LS5 3NU in accordance with the terms of the application, Ref 22/04428/FU, dated 24 June 2022, so far as relevant to that part of the development hereby permitted and 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: 3282-DEN-X-XX-DR-A-1002; 11977-WMS-XX-XX-DR-A-10101-S3-P1; 3282-DEN-X-XX-DR-A-2000; 3282-DEN-X-XX-DR-A-4004 and 3282-DEN-X-XX-DR-A-1001 Rev C insofar as it relates to the alterations and extension to the existing bungalow only.
 - 3) No construction work above ground level shall take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the appeal site and the surrounding area.

Reasons

3. The appeal site comprises an existing bungalow on a wedge shaped site which broadens out from a narrow frontage on Vesper Road. It forms the end

property in a row of bungalows of similar design, all of which are set back from the road with front gardens and driveways. They all present narrow frontages onto this part of the road. As such they contribute positively to the pleasant suburban and spacious character and appearance of the area.

4. The proposed dwelling would be located in the side garden of the existing bungalow. It would be set into the sloping site, resulting in a two-storey building form to the rear and would be 'L' shaped in plan. It would be set back from the front elevation of the existing bungalow. Trees and vegetation would partially screen views of the dwelling from the adjacent footpath and would also obscure views of the proposal from Vesper Lane to the rear.
5. Nevertheless, the proposed dwelling would be taller than the adjacent bungalows. Although the overall height of the proposed dwelling would only be marginally higher than the adjacent bungalow, it would be particularly noticeable in relation to the eaves immediately adjacent to the existing bungalow. The proposed dwelling would also have a much wider frontage onto Vesper Road than the bungalows which it would be viewed in the context of. The frontage of the proposed dwelling which would be stepped into the wedge shape of the plot would appear crammed into the site. The resultant development therefore would appear constrained and out of scale on the site. Consequently, the proposal would appear out of character with its surroundings.
6. The proposed dwelling would be constructed of contemporary materials which would not look out of place in this location, where a range of styles of houses can be seen. Nevertheless, this would not overcome the harm that I found to the character and appearance of the site and its surroundings as identified above.
7. For these reasons, I therefore find that the proposed construction of a dwelling to the side would cause harm to the character and appearance of the site and the surrounding area. It would therefore conflict with policies P10 and P12 of the Leeds Core Strategy 2019 (CS) and saved policies GP5 and BD6 of the Leeds Unitary Development Plan Review 2006 (UDP) which, amongst other things, seeks to ensure that proposed development is of high-quality inclusive design and respects the character and quality of surrounding buildings. The proposal would also conflict with the advice set out in the Council's Supplementary Planning Document 'Neighbourhoods for Living' and the design aims of the National Planning Policy Framework (the Framework) which seek to promote high quality design which respects local context.
8. The proposed extension and alterations to the existing bungalow would involve modest extensions to both the front and rear with the introduction of a small, terraced area to the rear. There is no uniform approach to fenestration on front elevations within the row of bungalows. As a result, the proposed fenestration on the front elevation would not look out of place within the street scene. The appeal property is set back further back from the road than the adjacent property at No. 35. The introduction of a small extension to the front elevation would result in the host property retaining a set back from the front elevation of the adjacent property at No.35. It would therefore not look out of place and would assimilate acceptably into its surroundings given the prevailing layout of the area as set out above. It would be modest in size and would not give rise to any adverse effects on the character and appearance of the host

dwelling or its surroundings. Therefore, it is acceptable and in conformity with CS policies P10 and P12 and UDP saved policies GP5 and BD6 which promote high quality design.

9. As the alterations and extension to the existing bungalow and the proposed new dwelling are both physically and functionally severable, I consider a split decision would be a logical outcome to this appeal.

Other Matters

10. The proposal would deliver one additional dwelling on a windfall site in an established residential area. This is a principle supported by development plan policies and the Framework. I have attributed moderate weight to this benefit. However, the support for new housing in the development plan or the Framework should not be at the expense of ensuring all development is appropriate, including its effect on the character and appearance of the site and its surroundings.
11. The proposal would support shops and services in the area. The economic benefit of one dwelling would be small and the weight that this carries in support of the proposal is reduced as a consequence.
12. The proposal involves the demolition of the garage associated with the existing dwelling on the site. The Framework excludes residential gardens built up areas from the definition of previously developed land. Even, if I were to accept this, the garage is not being demolished to make way for the proposed dwelling. I therefore attribute no weight to this benefit in the overall planning balance.
13. The proposed dwelling would conform with the nationally designated space standards. There would be no harm to the living conditions for future occupiers of the dwelling and the proposal would comply with separation standards set out in the Council's design policies. No highways issues have been identified in relation to parking or access arrangement proposed. I also acknowledge that the proposal would be acceptable in relation to the trees close to the boundary of the site. All these factors are neutral in my consideration of the appeal and do not outweigh the harm that I have otherwise identified.

Conditions

14. For the part that I am allowing, I have considered the conditions suggested by the Council against the Framework and Planning Practice Guidance. As I am splitting the decision, I have not attached the suggested conditions which relate to the construction of the new dwelling. I agree that the standard time limit and a plans condition are necessary and reasonable to give certainty as to what the decision relates to.
15. I have also imposed a materials sample condition, which I have slightly amended the wording of to that suggested by the Council. The alterations I have made do not alter the intention of the condition and I consider that the main parties have not been prejudiced by this. The condition is necessary in the interests of character and appearance.

Conclusion

16. For the reasons given above, having considered the development plan as a whole and all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the extension and alteration to the existing bungalow. However, in respect of the construction of a new dwelling to the side the appeal is dismissed.

KL Robbie

INSPECTOR