



Appeal Decision

Site visit made on 7 March 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/N4720/D/22/3313034

Stable Flat, 30 Street Lane, Roundhay, Leeds LS8 2ET

- 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 Thomas Wilson against the decision of Leeds City Council.
 - The application Ref 21/07446/FU, dated 4 September 2021, was refused by notice dated 20 October 2022.
 - The development proposed was originally described as a two side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey part single storey side/front extension at Stable Flat, 30 Street Lane, Roundhay, Leeds LS8 2ET in accordance with the terms of the application, Ref 21/07446/FU, dated 4 September 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. The description of development taken from the application form does not clearly describe what is proposed. An amended version appeared on the decision notice, and there is confirmation within Part E of the appeal form that the description of development was changed from that on the application form. As the amended description more accurately describes what is proposed I have used it in the formal decision, in the interests of providing clarity.
3. The appellant's Statement of Case contains a number of drawings purporting to demonstrate how the proposed development might affect adjacent dwellings in terms of light. However, there is no indication that those drawings were previously available during the planning application process for the Council or interested persons to comment on. Therefore, I have not paid regard to them in my determination of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of adjacent dwellings, with particular reference to outlook and light.

Reasons

5. The appeal dwelling is located in a former outbuilding to a villa that fronts onto Street Lane. The building has a back wall located on the common boundary with 1 West Park Road, and boundaries are also shared with 7 West Park Road and with 8 West Park Place. The proposed development would extend the rear

wall at its current height along the part of the boundary that is shared with No 7. It would also have a section that would return close to the side boundary that is shared with No 8.

6. With respect to No 1, the existing back wall of the appeal property is already located on its boundary, along with that of the adjoining property to the rear of 28 Street Lane. No 1 has a large rear garden which provides separation between the dwelling and the appeal site. The addition of the rear wall of the proposed development would not have any significant impact on the outlook from within No 1 in this context, or upon the amount of light reaching that dwelling. Due to the size of the garden area to No 1 and in the circumstances that already prevail there would not be harm to the outlook from within the garden or in terms of the light that reaches it.
7. The dwelling at No 7 is angled away from the appeal site, meaning that its windows would not face directly towards the back wall of the proposal. The large size of the garden at this property too provides separation between it and the appeal site. The proposed rear wall would only be located along part of the rear boundary of No 7, as this boundary is also shared with No 8. This would serve to reduce its impact on the boundary in question. There would not be an unduly harmful impact on the outlook from No 7 or in terms of loss of light for those reasons. The size of the rear garden to No 7 means that any impact from the proposal on outlook from within it, or on the light which reaches it, would not have any significant effect on the living conditions of the occupiers of that property.
8. No 8 has a smaller overall rear garden area. However, the proposed development has been designed to minimise its bulk and massing adjacent to this boundary by the use of a dormer insert to the roof and a single storey roof that pitches away from the boundary. These factors together with the separation that is afforded by the length of the rear garden of No 8 mean that there would not be harm to the living conditions within the dwelling through a loss of outlook or light. The design of the proposal would also ensure that the impact on the outlook and light when within the garden of No 8 would not be harmful, in particular as there is already an established hedge of some height present on the common boundary.
9. For these reasons, I conclude that the proposal would not cause harm to the living conditions of the occupiers of the adjacent dwellings with regard to outlook or light. Consequently, the proposal accords with Policy P10 of the Core Strategy 2019 and Saved Policy GP5 of the Unitary Development Plan 2006, where they seek to protect living conditions. There would also be no conflict with the aims of the Householder Design Guide Supplementary Planning Document 2011 or the National Planning Policy Framework in the same regard.

Other Matters

10. The appeal site is within the Roundhay Conservation Area (CA). Whilst the impact upon the CA does not form a basis on which the Council refused the planning application, I nonetheless have a statutory duty as set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

11. The significance of the CA is primarily related to the association of Roundhay Park and the residential development on its fringes, within which relatively unaltered and uninterrupted superior late Victorian, Edwardian and inter-war housing is found. In this respect, the appeal site is set back behind the villas which front onto Street Lane and which are identified in the Roundhay Conservation Appraisal 2004 (RCA) as making a positive contribution to the designated area. Those buildings are therefore the main contributors to the character and appearance of the CA in the vicinity of the appeal site, and the existing Stable Flat building has no perceptible impact upon the character and appearance of the CA from public vantage points.
12. Whilst the proposal would be visible from adjacent properties and their outside spaces, it would achieve a good contemporary design that would be appropriate in the context of how the building and its adjoining building already exist and have been altered. Although the appeal site is limited in overall size, the proposed development could still be accommodated whilst leaving an area of outside amenity space. Furthermore, the surrounding area has a spacious feel owing to the size of the garden and parking areas associated with adjacent properties and this would not be compromised by the proposal. It would not in that context represent an overdevelopment of the site.
13. Taken as a whole, the proposed development would preserve the character and appearance of the CA. The proposal would also not compromise the objectives of the RCA or the Roundhay Ward Neighbourhood Design Statement 2010, which seek to protect the character and appearance of both the area in general and that of the CA.
14. There are two small trees on the appeal site, neither of which is shown to be retained on the proposed plans. By reason of their size and positioning on a backland site these trees do not make any notable contribution to the amenity of the surrounding area or the CA. There is also an established hedge on the boundary with No 8, which is shown to be retained as part of the proposal. This would screen the window to the gym within the proposed development, but a planning condition requiring the use of obscure glazing could ensure that there would be no overlooking if the hedge did not remain in perpetuity. There would be windows in the roof of the proposed single storey element closest to No 8 but these would be angled upwards and would not as result allow unacceptable overlooking towards adjacent dwellings.
15. Two parking spaces would be provided, and this meets with the recommendations of the Highway Authority. Furthermore, the site is located within an urban area with good access to services and facilities on foot and by alternative means of transport. The provision of two spaces is therefore adequate to meet the needs of the development.

Conditions

16. Conditions relating to the time period to carry out the development and to the approved plans are required to provide certainty. As the site is within a CA, it is reasonable to impose a condition requiring samples of materials to be made available for approval by the Council, in order to achieve an appropriate appearance. It is also reasonable to require that a scheme of hard and soft landscaping be submitted for approval, to ensure that the proposal integrates within the CA in a visually appropriate manner in terms of its landscaping.

17. The plans submitted refer to only the existing hedge along the boundary with No 8 and to no other trees. This hedge has no specific amenity value owing to its species and location, and its retention is not required to make the proposed development acceptable. There is therefore a degree of uncertainty as to whether the hedge would ultimately be retained, but subject to the imposition of a condition requiring the gym window to be obscurely glazed to prevent overlooking and which is reasonable to impose, the hedge is also not required to protect the living conditions of the occupiers of No 8 in terms of overlooking.
18. Furthermore, landscape matters would be addressed by the aforementioned hard and soft landscaping condition. Therefore, whilst the plans show the hedge to be retained, it would not be proportionate to impose the condition suggested by the Council relating to tree protection. Such a condition is not as a result necessary or reasonable.
19. It is reasonable to impose a condition requiring the laying out of the parking area, in order that the necessary parking provision is put in place. A condition relating to cycle parking is reasonable to promote that form of transport, and whilst I note there is reference to this on the plans, there are no firm details of what form the cycle store would take.
20. I have reworded the Council's suggested conditions where appropriate, in the interests of precision and to ensure that they relate specifically to the proposed development.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR

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: TA-P1-XX-GA-A-0001, TA-P1-XX-GA-A-0002, TA-P1-XX-GA-A-0003 and TA-P1-XX-GA-A-0004.
- 3) Construction of the external walls and roofs of the development hereby permitted shall not 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. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until full details of hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include:

(a) planting plans

(b) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and

(c) schedules of plants noting species, planting sizes and proposed numbers/densities.

The hard and soft landscaping works shall be carried out in accordance with the approved details, the approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

- 5) The extension hereby permitted shall not be occupied until the window in the side elevation serving the gym has been fitted with obscured glazing to at least level 3 obscurity. Once installed, the obscured glazing shall be retained thereafter.
- 6) The development hereby permitted shall not be occupied until the vehicle parking spaces shown on the approved plans have been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.
- 7) Notwithstanding the approved details, the development hereby permitted shall not be occupied until full details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be provided prior to the first occupation of the development and retained thereafter for the lifetime of the development.

-----End of Conditions-----