The Planning Inspectorate

Appeal Decision

Site visit made on 28 March 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/N4720/D/23/3314860
462 Tong Road, Farnley, Leeds LS12 5AU

- 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 Peter Allison against the decision of Leeds City Council.
- The application Ref 22/06278/FU, dated 13 September 2022, was refused by notice dated 17 January 2023.
- The development proposed is described on the application form as *'create a second storey extension over the top of the existing extension (build 2004). Build foot print to remain the same. Proposed storey height to eaves is 5.5m with a height to ridge 6.7m tieing into the existing roof line.'*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit an extension akin to the proposal had already been constructed. However, the as-built scheme does not entirely reflect the application plans considered by the local planning authority. 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. I have therefore determined the appeal on the basis of the refused plans.

Main Issues

3. The main issues are the effect of the development on:

   i) the character and appearance of the host building and surrounding area;

   ii) the living conditions of the occupants of 464 Tong Road, with particular regard to outlook and light.

Reasons

Character and appearance

4. The appeal property is one half of a two-storey, semi-detached house constructed of brick with a pitched tile roof. The proposal is for a first floor rear extension above an existing full width, 3 metre long extension.

5. Saved Policy BD6 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP) requires all alterations and extensions to respect the scale, form, detailing, and materials of the original building. More generally, saved Policy GP5 of the UDP and Policy P10 of the Leeds City Council Core Strategy

(amended 2019) (the CS) seek to ensure that development is of good design and respects the character and quality of its surroundings.

6. Also relevant is the Council's 'Householder Design Guide' Supplementary Planning Document (2012) (the SPD), which advises that all parts of the extension (including its roof) should reflect the proportions of the existing house and mirror its architectural details. It further emphasises that in order to ensure an extension is sympathetic to the original dwelling, its roof should replicate the proportions, pitch, shape and materials of the main house.

7. As the proposal would be confined to the area above the existing rear extension its projection would be relatively modest, and in that regard, it would not overwhelm the existing building in terms of its scale. However, the roof of the extension, described by the Council as a 'catslide form', would be significantly shallower in pitch than the main roof it would tie into. This awkward roof configuration would result in an overall design that is entirely at odds with the form and proportions of the existing building, and I saw no other examples of this form of development within the surrounding area. The black uPVC shiplap cladding to the side elevation would add further to the unsympathetic appearance of the scheme overall, notwithstanding the use of matching brick and roof tiles elsewhere in the extension. While the appellant indicates that they would be willing to alter the materials, this would not overcome the harm arising from the unsympathetic form of the extension.

8. Views of the extension would mainly be from the gardens and windows of neighbouring properties to the side and rear, with only the side elevation being visible above the neighbouring bungalows from Tong Road. Nonetheless, limited public visibility does not remove the need to achieve good design and compliance with the relevant requirements of the development plan and associated guidance. Indeed, paragraph 134 of the National Planning Policy Framework is clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and any local design guidance and supplementary planning documents.

9. In conclusion, I find that the development would unacceptably harm the character and appearance of the host building and its immediate surroundings, and so, conflicts with the relevant design requirements of saved Policies BD6 and GP5 of the UDP; Policy P10 of the CS; and the guidance within the SPD.

Living conditions

10. The proposal would increase the height of the existing extension along the common boundary with No 464. The Council refers to the potential for overdominance and reduction in natural light to this neighbour's rear windows.

11. I note that the SPD contains a general rule of thumb that first floor extensions should only project 1 metre on the common boundary. However, it is significant that the proposal would be located on the north facing elevation. Furthermore, at my site visit I observed that the neighbour's rear windows are not particularly close to the boundary, and that this property benefits from an open outlook over a deep garden.

12. To my mind, a projection of approximately 3 metres is still relatively modest, and having regard to the specific site circumstances, I do not consider that it would lead to any significant sense of enclosure or reduction in the amount of

natural light to the neighbour's windows. The neighbouring occupier has confirmed that they have no objection to the proposal, and whilst this is not decisive, helps reinforce my view.

13. For completeness, the Council did not raise any concerns in relation to impacts on No 460, and based on my own observations, I have no reason to disagree with this.

14. For these reasons, I find that the development would not harm the living conditions of the occupants of 464 Tong Road, with particular regard to outlook and light. In this regard, the proposal complies with the residential amenity protection requirements of Policy P10 of the CS; saved Policy GP5 of the UDP; and the SPD. However, this absence of harm is a neutral matter and does not alter or outweigh my findings in relation to the first main issue.

Other Matters

15. I recognise that the additional living accommodation created would be of benefit to the occupants of the appeal property. Nonetheless, this is not justification for the harm I have identified and the resultant conflict that arises with the development plan as a whole.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR