



Appeal Decision

Site visit made on 20 March 2023

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/N4720/D/23/3315461

Manor Croft, Newlaithes Road, Horsforth, Leeds LS18 4LG

- 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 & Mrs Ian & Sally Crowther against the decision of Leeds City Council.
- The application Ref 22/05155/FU, dated 22 July 2022, was refused by notice dated 17 January 2023.
- The development proposed was initially described as '*demolition and conversion of existing derelict garage to single storey side extension*'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was initially described in the terms set out in the banner heading, above. I have, however, noted the revised description used by the Council on the decision notice and subsequently by the appellants in their appeal submissions and have determined the appeal accordingly.

Main Issues

3. The main issues are the effects of the proposed development upon:
 - The character and appearance of the appeal property and the surrounding area, with particular regard to the Newlay Conservation Area (the CA); and
 - Trees and hedges.

Reasons

Character and appearance

4. The appeal property is a modest semi-detached cottage sited on an awkwardly shaped plot. Although there are some similarities between the two properties and a degree of balance, most notably from the lean-to porches, the two are not symmetrical and vary in their width and fenestration.
5. The proposed extension would replace a series of small and irregularly shaped extensions at the side of the property. Despite its stone-faced façade, the existing garage at the side of the property is showing signs of age and poor repair, most notably its plastic-sheeted roof and rubble-faced side elevation. A small yard lies behind, hemmed in behind the side extensions and substantial stone and brick yard walls which retain high ground levels to the side and rear.
6. Whilst the proposed extension would generally tidy up the appearance of the structures at the side of the appeal property, this would not be without harm to

the character or appearance of the appeal property. In squaring-off the boundary alignment with Newlaithes Manor¹, the side extension would gain added width across its frontage relative to that which it would replace and relative to the proportions of the main house.

7. The extension's forward projection is described in the appellant's Heritage Statement as having 'limited depth'. Whilst broadly true, this fails to acknowledge the cumulative effect of the extension's additional width and the alterations to the roof design added to the effect of the forward projection. What is a relatively discrete and recessive element of the building set slightly back from the main frontage would instead take on a more dominant role on the building's front elevation. Taking these factors together the proposal would be an uncharacteristically large and bulky addition to the front and side of the property at odds with its more modest character. As such, it would erode the modest appearance and proportions of the appeal property.
8. Although the glazed canopy between the extension and the existing porch would be a visually lightweight structure, the proportions of the forward projecting side element would nevertheless dominate the front of the property and erode its otherwise simple and modest proportions. The existing shallow pitched roof at the side aids the otherwise discrete presence of the existing extension, even if it is not in the best repair.
9. Nor am I persuaded that the glazed canopy would perform effectively as a 'period style canopy' in the manner envisaged. Rather, it would be lost against the large and unduly prominent size, form and positioning of the side extension. Whilst I accept that the front of the property is not widely visible, screened as it is in part from the roadside by the detached garage and intervening vegetation to the front, the extension would nevertheless be inconsistent with the modest proportions, character and appearance of the host building.
10. The pair of properties are not symmetrical. Nevertheless, the existing small lean-to porches provide an element of balance across the modest frontage which would be compromised and overpowered by the proposed extension. Taking all these factors into account, I conclude that the proposed extension would fail to respect the form, scale, proportions character and context of the existing property. As such, there would be conflict with Core Strategy (CS) Policies P10, P11 and P12, saved Unitary Development Plan (UDP) Policies GP5, N19 and BD6 and the guidance set out within Policy HDG1 of the 'Householder Design Guide' Supplementary Planning Document (SPD).
11. The appellant's assessment that Newlaithes Manor House and the core of historic buildings around the appeal site, of which the appeal property is one, appear somewhat anomalous amongst the more recent 20th century development which largely encircles is accurate. Indeed, the extent to which the proposed extension would be widely seen within the CA is restricted by the presence of a detached double garage apparently unrelated to the appeal property.
12. Nevertheless, the appeal property is noted as being a positive building within the CA. It also retains a modest and simple charm against the older and more grand Newlaithes Manor House and through its modest scale and its siting and

¹Referred to in the Listing Description as 'New Laithes Manor House'

levels relative to it, does not challenge it. For the reasons I have set out, the proposal would cause harm to the character and appearance of the appeal property. That harm, to a positive building within the CA, would be such as to fail to preserve or enhance the character or appearance of the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a CA.

13. This harm to the significance of the CA however, would be less than substantial. Where harm is less than substantial the National Planning Policy Framework (the Framework) states that that harm should be weighed against the public benefits of the proposal. The removal of the existing garage would improve the appearance of the side of the property, albeit to a greater or lesser degree depending upon the viewpoint from which it is seen. This is a public benefit capable of weighing in support of the proposal.
14. I am not however persuaded as to the positive effects of the proposal upon the building's appearance. Whilst there is an element of asymmetry across the front elevation, the modest porches provide a balance which would be overpowered by the proposed extension. This is not a benefit, public or private, which would be in support of the proposal and there are no other public benefits which would persuade me to find the proposal acceptable.
15. In order to facilitate the construction of the proposed extension, a 'land swap' is proposed with the neighbouring property, Newlaithes Manor House to effectively square off the boundary between the two properties. The realignment of the boundary between the properties would entail the removal and reconstruction of short lengths of the stone boundary wall between them. Visually, these parts of the wall are more noticeable from within the appeal site, particularly from the front, where the stone wall retains the higher levels of Newlaithes Manor House's garden area. The appeal site also lies at a significantly lower level than either Newlaithes Manor or its garden.
16. Newlaithes Manor House is a grade II listed building dating, in part, to the 17th century (or indeed earlier) which was remodelled and extended in the 18th and 19th centuries. The Council have not expressly considered the effect of the proposed development on the setting of the grade II listed building against the provisions of section 66(1) of the Act, nor is it a matter set out within the refusal reasons. Nevertheless, I am satisfied that the realignment of the boundary wall and the proposed extension would have a neutral effect upon the setting of the listed building. A neutral effect is to preserve the listed building's setting, to which special regard is to be had, as per the statutory requirement set out in the Act.
17. Whilst I have concluded that there would be a neutral effect on the setting of the listed building, this is not sufficient to outweigh the less than substantial harm to the character and appearance of the CA, to which I am also required to pay special attention. My conclusion in respect of the main issue remains as set out above.

Trees and hedges

18. The appeal site lies at a considerably lower ground level than that of the garden area of Newlaithes Manor House. A stone retaining wall forms the boundary between the two. Within the garden area of Newlaithes Manor House

there is a mix of vegetation close to the wall, comprised of lengths of hedge, shrubs and a cherry tree (tree T2).

19. The amenity value of tree T2 and the extent to which it contributes to the character and appearance of the surrounding area is very much directional. On approach from the north along Newlaithes Road, the contribution of tree T2 is limited, screened by dense foreground trees and vegetation, and buildings, within and around Newlaithes Manor House. It is only when directly opposite the site entrance, and looking back towards the site from the south, that the top of its canopy becomes visible above more foreground vegetation and buildings. However, from this aspect it makes a positive contribution to the verdant setting of both the appeal property and of Newlaithes Manor House.
20. Whilst not directly requiring the removal of tree T2, the works for the construction of the extension and the extension itself would be very close to it. It is not clear from the submitted plans however as to the extent of working space required around the extension's flank walls, or the extent to which the remaining yard wall may be disrupted by construction works. However, because of the differing ground levels and the presence, likely relatively long-standing, of the retaining wall tree T2's root structure is already likely to be significantly curtailed in this direction.
21. The extension, and its construction, would not materially alter that relationship. Provided therefore that sufficient care is taken around excavation of the existing wall and the construction of the extension wall, together with suitably worded conditions regarding such, I am satisfied that it has been adequately demonstrated that the proposed extension would avoid harm to the tree T2. There would be no conflict with the collective provisions of CS Policies P10, P11 or P12, saved UDP policies GP5, N19, BD6 or LD1, whilst particular circumstances of the site are such that a technical breach of the guidelines set out in SPD Policy HDG1 would not be fatal.

Conclusion

22. Whilst I have concluded that site specific circumstances are such that an extension would not cause harm to tree T2, by virtue of its design, scale and positioning on the property, it would cause harm to the character and appearance of the host building, and the surrounding area. There are insufficient public benefits to outweigh the less than substantial harm to the CA and the absence of harm in respect of the effect upon trees is not sufficient to overcome the harm that I have identified.
23. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR