



Appeal Decision

Site visit made on 9 May 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2023

Appeal Ref: APP/N4720/D/23/3316203

24 Milton Drive, Scholes, Leeds LS15 4BS

- 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 David Taylor against the decision of Leeds City Council.
 - The application Ref 22/06530/FU, dated 25 September 2022, was refused by notice dated 21 November 2022.
 - The development proposed is two storey side and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 26 Milton Drive, with regard to outlook.

Reasons

Character and Appearance

3. The appeal property is a two-storey semi-detached house in a residential street. There are a mix of property types, and while there is limited unity in the design and appearance of properties in the area, the similarity in the built form and spaces around the properties creates a spacious character. The open qualities create a sense of place and contributes positively to the character and appearance of the area.
4. The proposal would introduce a two-storey side extension in the uncharacteristically wide gap to the side of the appeal property. The scheme would have materials to match the existing appearance and has been designed to make efficient use of space. I did not observe any significant views from the side of the appeal property, and in any event, the existing detached garage largely terminates the view.
5. It is not in dispute that a satisfactory set in from the shared boundary would be achieved. As a result, the appeal scheme would maintain clear spaces around the property and a visual break would remain between the appeal property and 26 Milton Drive. In this regard, the appeal scheme would relate positively to the character and appearance of the area.

6. However, the side extension would have a minimal set back from the primary elevation. It is not disputed that it would fall short of the advised set back of 2 meters in the Householder Design Guide Supplementary Planning Document (2012) (SPD). While the SPD may produce a guide, rather than absolute requirement, the extension would not appear subservient owing to the minimal set back and the height of the proposed two storey extension. Irrespective of the wide gap to the side of the appeal property the extension would be a bulky addition, eroding the existing spaciousness at the site, and would not relate positively to the prevailing character and appearance of the area.
7. The proposal is said to make the best use of the space available to accommodate two bedrooms having given consideration to meeting space standards. Nonetheless, the minimal set back would result in the two storey extension being an incongruous addition, appearing prominent in the otherwise open character.
8. I observed a number of extensions in the wider area and have considered the example given at 13 Milton Drive. However, the context of the example provided differs in overall appearance given the hipped roof design. It is on a different section of Milton Drive, and as such would not be seen with the appeal scheme and is not therefore directly comparable. The other example does not, therefore, lead me away from my above findings.
9. My attention has also been drawn to an appeal decision in a different area of Leeds where the Inspector concluded that a large gap in a continuous street frontage can be visually detrimental, and the appellant seeks to draw comparisons. However, that proposal was in a different street and in a corner plot, as such the context and relationship with the street scene differs. In any event, I must consider the appeal scheme on its own merits.
10. Overall, the proposal would be harmful to the character and appearance of the area, in conflict with Policy P10 of the Core Strategy (Review 2019) (CS) and Policy GP5 of the Leeds Unitary Development Plan (Review 2006) (UDP). These policies seek, amongst other things, alterations to existing buildings that are based on a thorough contextual analysis. Detailed planning considerations relating to design should be resolved, and proposals should provide good design that is appropriate to its context and contributes positively to place making.
11. It is contrary to the guidance set out within HDG1 of the SPD relating to extensions respecting the scale, form, proportions, character and appearance of the main dwelling and the locality. The proposal is also contrary to the provisions of the National Planning Policy Framework (the Framework) in Section 12 regarding the need to achieve well designed places.

Living Conditions

12. While partially screened by the existing boundary treatment between the appeal property and 26 Milton Drive, and even though a gap would remain between the two properties, the proposed side extension would bring development closer to the shared boundary and be of a significant length, the full extent of which would be experienced by the occupiers of No 26. It would result in a noticeable difference in the built form above the fence and appear as a dominant and oppressive feature. Given the 2-storey height of the proposal in the area nearest to the kitchen window at the bungalow at No 26, the

proposal would result in a narrow outlook from this room, which is said to only be served by one window. It would have an overbearing effect that would be detrimental to the levels of outlook that could reasonably be expected in a habitable room.

14. I note that matters of privacy and daylight/sunlight for the occupiers of No 26 are not in dispute. However, policy compliance on these matters would only be a neutral factor. While there is no outstanding objection from the neighbouring occupiers to the scheme, this is not a reason, in itself, to allow harmful development.
15. Accordingly, the proposal would be harmful to the living conditions of the occupiers of 26 Milton Drive, with regard to outlook, in conflict with Policy P10 of the CS and policies GP5 and BD5 of the UDP. These policies include a requirement for development to be appropriate to its location and avoid a loss of amenity, being designed with consideration given to both the amenity of the new building and that of the surroundings.
16. It would be contrary to the guidance set out within HDG2 of the SPD in relation to development proposals protecting the amenity of neighbours. It is also contrary to the Framework at Section 12, which seeks places that have a high standard of amenity for existing and future users.

Other Matters

17. The appellant suggests that appropriate highways, car parking, cycle storage and waste storage can be secured at the site and there would be no detrimental effect on historic and natural assets. Furthermore, a safe and secure environment would be created, and the development would be accessible to all users. However, the lack of harm on these matters would only be a neutral factor.

Conclusion

18. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR