The Planning Inspectorate

Appeal Decision

Site visit made on 15 June 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/N4720/D/23/3322755
21 Manor Garth Road, Kippax, Leeds LS25 7PD

- 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 Mitchell against the decision of Leeds City Council.
- The application Ref 23/00135/FU, dated 6 January 2023, was refused by notice dated 3 March 2023.
- The development proposed is a two-storey side extension with rear dormer window.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a detached bungalow located within an established housing estate. The dwellings in this part of the housing estate are not identical in appearance, but they are predominantly detached bungalows. Most are set well back from main roads with intervening gardens and driveways. The building lines are essentially dictated by the geometry of the roads. For example, straight sections of Gibson Lane have very straight building lines and where there are bends the prevailing building line adjusts accordingly. The roof slopes that face main roads are predominantly unbroken and the front boundary treatment includes mainly low walls and hedges. Overall, there is a pleasing sense of open and green space around each dwelling and there is an order to the pattern of development. Collectively, these attributes add positively and distinctively to the character and appearance of the area and particularly in Gibson Lane.

4. The proposed two storey extension would be positioned close to Gibson Lane. It would not be up to the edge of the pavement but would nevertheless be built on land that is currently a garden and which provides some open and undeveloped relief between the pavement and the existing bungalow. In terms of the height and width of the two-storey side extension, I find that it would be subordinate in scale to the host property. Indeed, in terms of its footprint and volume, it would equate to about a third increase in the size of the existing bungalow. While the extension would not be set back from existing walls or set well down in height below the existing roof ridge level, I do not find that this would be harmful in design terms. This is because the host property is

detached and owing to the size and appearance of other dwellings in the locality.

5. Notwithstanding the above, the extension would bring the host property much closer to Gibson Lane than it is now. The appellant claims that the development would not detract from the building line in this road and hence would not look out of place in the street scene. I do not share this view. Indeed, there is a very clear and straight building line to the bungalows to the west of the host property. The appeal property is experienced as being closely aligned with such a building line when travelling in a west-east direction. I acknowledge that the building line changes at No. 250 Gibson Road, but that is reflective of the bend in the road. Therefore, when travelling in a west-east direction the change in the position of buildings is not unexpected.

6. Owing to the position and scale of the proposed development, I find that it would materially detract from the pattern of development in the locality. To the passer-by, it would be appreciated as an imposing, cramped and incongruous form of development at odds with the prevailing sense of space that surrounds existing properties. While the appellant has suggested that new vegetation would be planted on the boundary with Gibson Lane to screen the development, any such planting would take some time to reach maturity and would not endure forever. Furthermore, given the height of the extension it is unlikely that landscaping would screen all parts of the harmful development from public view. I reach the same view in respect of the stone wall that appears to have been recently erected alongside Gibson Lane, although I do not know whether such a wall required planning permission or whether any such planning permission has been approved for it.

7. The above harm would be compounded owing to the proposed erection of a box dormer across a large proportion of the existing rear roof slope of the host property and the proposed two-storey side extension. I accept that a lawful development certificate[1] (LDC) has been issued by the local planning authority which confirms that a similar dormer can lawfully be erected on the rear roof slope of the existing dwelling. I do not doubt that the appellant requires more floorspace and so there is a prospect of a rear dormer being erected on the existing rear roof slope of the bungalow as a fall-back position. I afford the fall-back position significant weight in decision making terms as a material planning consideration.

8. Nonetheless, the part of the dormer associated with the proposed two-storey extension requires planning permission even if the permitted development roof dormer had already been erected. In the context that there is a noticeable and distinctive absence of roof dormers to properties when seen from this part of Gibson Lane, I find that the introduction of a long length of roof dormer on the appeal property would be seen as an incongruous and dominant addition in the street-scene materially at odds with the design of most of the other properties in the locality. In other words, while a permitted development dormer could be erected on the existing rear roof slope of the host property without the need for planning permission, harm would nonetheless be caused to the character and appearance of the area and further cumulative harm would be caused from the erection of a larger roof dormer associated with the proposed erection of a two-storey side extension.

[1] LDC ref 22/07573/CLP dated 19 December 2022

9. I acknowledge that No. 248 Gibson Lane includes similar dormer windows to the rear, but such development is only seen from Medhurst Avenue. Furthermore, and, in any event, I do not know the precise circumstances that led to this development being constructed. I have determined this appeal on its individual planning merits and find that significant harm would be caused to the character and appearance of this part of Gibson Lane.

10. For the above reasons, I conclude that when the proposal is considered as a whole it would not accord with the design, character and appearance requirements of policies GP5 and BD6 of the Leeds Unitary Development Plan Review 2006, policy BE1 of the Kippax Neighbourhood Plan 2018-2033, policy P10 of the Leeds Core Strategy 2019, policy HDG1 of the Leeds City Council Householder Design Guide 2012, and chapter 12 of the National Planning Policy Framework 2021.

Other Matters

11. The appellant has drawn my attention to examples of other extensions in the housing estate. A number of these examples are in different streets and are not identical to the appeal proposal. The examples do not alter my conclusion that harm would be caused to the positive and distinctive characteristics that define the immediate area as a whole and, in particular, this part of Gibson Lane.

12. I acknowledge that the appellant requires additional floorspace. However, this must be weighed against the harm that would be caused to the character and appearance of the area. Furthermore, the evidence is that it may be possible for the appellant to increase floorspace to some extent, in accordance with the LDC scheme.

13. None of the other matters raised alter or outweigh my conclusion on the main issue.

Conclusion

14. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR