



Appeal Decision

Site visit made on 27 June 2023

by Graham Wright BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2023

Appeal Ref: APP/N4720/D/23/3318172

2 Beech Avenue, Gipton, Leeds LS8 3AW

- 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 Samiullah Ahmadi against the decision of Leeds City Council.
 - The application Ref 22/06687/FU, dated 1 October 2022, was refused by notice dated 6 January 2023.
 - The development proposed is a rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for a rear dormer at 2 Beech Avenue, Gipton, Leeds LS8 3AW in accordance with the terms of the application, Ref 22/06687/FU, dated 1 October 2022.

Preliminary Matter

2. I have not included the full description of development from the planning application form as it makes reference to the proposal being retrospective and to a previous planning application, and neither are in themselves acts of development. However, I was able to see on my site visit that the dormer has been constructed and therefore I have determined this appeal on the basis that it is a retrospective development.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host dwelling and the area.

Reasons

4. The appeal dwelling is a modern terrace property located within a predominately residential area. Due to the size of the rear garden of the dwelling, the full impact of the dormer is not as readily noticeable from within the extents of the appeal property itself, but it is clearly visible from Beech Grove whose properties run to the side and rear, and also from the gardens and windows of adjacent dwellings.
5. The dormer is of a size that makes it dominant in terms of the area of the rear roof plane of 2 Beech Avenue that it covers. However, it is of relevance that the dormer sits within the roofscape of the terrace formed by 1 Beech Grove and 2 and 4 Beech Avenue. It is in this context that the dormer is primarily seen, particularly in longer range views taken from Beech Grove. In such views it sits immediately to the right of the gable roof on No 1, which itself adds considerable bulk to the roofscape. The presence of this gable significantly reduces the visual impact that the appeal development has.

6. Furthermore, in views taken from Beech Grove, existing dwellings in the foreground are designed with large dormer style inserts present at first floor level. Whilst these are original features of those dwellings, when viewed in conjunction with the appeal development, they aid in better assimilating what has been built into the character and appearance of the surrounding area. Collectively, the circumstances relating to the roofscape of Nos 1, 2 and 4 and the design of the adjacent dwellings means that the appeal development has not had a harmful effect on the character and appearance of either the host dwelling or the area.
7. I note that planning permission was granted in 2020 for a smaller dormer than has been built, and that this was the subject of negotiations on its size resulting in a reduced scale of development that the Council found to be acceptable. I have also been made aware that permitted development rights have been removed on the wider estate, which restricts what can be undertaken to the roofs of the dwellings without planning permission. But, as I have found no harm to character and appearance from what has been built, these matters do not have a bearing on the outcome of the appeal.
8. For these reasons, I conclude that the development accords with Policy P10 of the Core Strategy 2019 and Saved Policies GP5 and BD6 of the Unitary Development Plan 2006, where they seek to protect character and appearance. There would also be no conflict with the aims of the National Planning Policy Framework with regard to achieving well-designed places. Whilst it is arguable that the size of the dormer goes beyond that envisaged by the guidance set out in the Householder Design Guide Supplementary Planning Document 2012 (SPD), I have set out why in this instance this has not resulted in harm being caused to character and appearance. Accordingly, the aims of the SPD have not been compromised.

Conditions

9. The materials used are appropriate and match those used on the host dwelling and adjoining dwellings. That being the case and because the development has already been undertaken, it is not necessary to impose any planning conditions.

Conclusion

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

Graham Wraight

INSPECTOR