



Appeal Decision

Site visit made on 4 July 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2023

Appeal Ref: APP/N4720/D/23/3320895

35 Linton Avenue, Alwoodley, Leeds LS17 8PU

- 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 Gulamhusein against the decision of Leeds City Council.
 - The application Ref 22/07877/FU, dated 23 November 2022, was refused by notice dated 18 January 2023.
 - The development proposed is described on the application form as 'proposed single storey front, side and rear extensions with dormer to rear over rear extension'.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site relates to a detached bungalow located on a prominent corner plot at the junction of Linton Avenue and Linton Grove. The front elevation of the property is set back from Linton Avenue behind a low wall and garden which continue around to the side of the property facing Linton Grove. At the rear of the property there is a flat roofed garage, a driveway and a private garden which is partly enclosed by close boarded fencing.
4. The surrounding area is of established residential character with some variation in the size and design of dwellings, including detached bungalows and two storey detached and semi-detached dwellings. The area is characterised by linear rows of properties situated on generously sized plots with reasonable gaps between them and set back behind low boundary walls and planting, though some are open to the road. This gives the area an open and spacious feel which contributes positively to its character and appearance.
5. The proposed extension to the front and northern side of the property would be a highly prominent addition that would extend up to the boundary with 37 Linton Grove and reduce the sense of spaciousness between the properties which is one of the characteristics of the area. This would be emphasised because of the way the appeal property's front building line already sits forward of No 37. The lean-to roof would extend beyond the northern roof slope and disrupt the simple gabled form of the property. The result would be an awkward roof form which would sit uncomfortably against the front elevation of the property.

6. The proposed rear extension would include a gabled roof which would face towards Linton Grove with a large dormer to the rear roof slope, to create first floor accommodation. This extension would project slightly beyond the southern side elevation of the property. Whilst it would maintain a reasonable gap to 2 Linton Grove, the rear extension would nevertheless be an excessively bulky addition. The dormer would extend across almost the full width of the rear roof slope and would increase the bulk and massing of the proposal and exacerbate its adverse visual effects. The scale and massing of the rear extension would be out of proportion to the existing modest bungalow and would fail to be subservient to it. Whilst I accept that modern design can be acceptable, in this case, for the reasons set out above, the proposed extensions would result in unduly prominent and dominant additions to the property.
7. The appellants refer to extensions at 33 Linton Avenue and the subsequent subdivision of that property to create two dwellings. As I understand it, the extensions were carried out under permitted development rights and so not the same situation as the appeal proposal. The appellants suggest that the proposed extensions fall under permitted development rights, as was the case for the development at No 33. However, there is no substantive evidence before me to confirm that the proposed extensions could be built under permitted development. I have dealt with the appeal on the basis of the development proposal as applied for and described on the application form.
8. Moreover, there are some notable differences between the appeal proposal and the development at No 33. There the ridge line of the rear extension is set below the main roof of the property and the extension does not extend beyond the side elevation in the way that the appeal proposal would do. Therefore, the extension at No 33 achieves a more subservient relationship to the original property than would be the case with the appeal proposal. Consequently, that development is not directly comparable to the appeal scheme and does not provide justification for it.
9. Reference has been made by the appellants to a previously approved side and rear extension to the appeal property in 2009, though I do not have full details of this to compare it to the proposal that is before me. The appellants allude to other similar extensions in the area. However, I do not have any details of these other developments before me. In any case, I have assessed the appeal scheme on its own merits.
10. For these reasons I conclude that the proposal would be harmful to the character and appearance of the host property and the surrounding area. It would conflict with saved Policies GP5 and BD6 of the Leeds Unitary Development Plan 2006, Policies P10 and P12 of the Leeds City Council Core Strategy 2019, and Policy HDG1 of the Leeds City Council Householder Design Guide Supplementary Planning Document 2012. Amongst other things, these policies and guidance seek to ensure that alterations are of an appropriate scale and design to the existing building and the wider context. The proposal would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that development is well-designed and sympathetic to local character.

Other Matters

11. The appellants indicate that the proposal would provide additional storage space for the needs of a disabled family member. I have had due regard to the

Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. I have also had regard to the rights conveyed within the Human Rights Act. Whilst I am mindful of the needs of the family member, there is no convincing evidence before me to indicate that the appeal proposal is the only means of providing the additional accommodation sought. I also note that the windows to the dormer extension would maximise sunlight into that part of the property. However, in the form proposed this would be at the expense of the character and appearance of the area. Therefore, these factors do not outweigh the harm I have identified.

12. The Council have raised no concerns with the proposal in terms of its effects on the living conditions of neighbouring occupiers or highway safety. I see no reason to disagree with that assessment on the basis of the evidence before me and my observations on site, though these are neutral matters that do not weigh in favour of the development. I also acknowledge that only one objection was received from a neighbouring occupier. However, this does not outweigh the harm that I have identified.
13. I note that the appellants raise concerns with the way the Council has handled the application, but that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Conclusion

14. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
15. For the reasons given above, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR