



Appeal Decision

Site visit made on 1 August 2023

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2023

Appeal Ref: APP/N4720/D/23/3322173
32 The Avenue, Scholes, Leeds LS15 4AS

- 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 Kaye Barker against the decision of Leeds City Council.
 - The application Ref 23/00572/FU, dated 28 January 2023, was refused by notice dated 30 March 2023.
 - The development proposed is roof extension and rear roof terrace.
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Decision

1. The appeal is allowed and planning permission is granted for roof extension and rear roof terrace at 32 The Avenue, Leeds LS15 4AS in accordance with the terms of the application, Ref 23/00572/FU, dated 28 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 101973.02; and 101873.01.
 - 3) The 1.8 metre high obscure glazed privacy screen to the rear balcony/terrace hereby permitted shall be erected prior to its first use and permanently retained thereafter.

Main Issues

2. The main issues are the effect of the development on:
 - i. the character and appearance of the surrounding area; and
 - ii. the living conditions of the occupiers of 30 The Avenue, with regard to outlook, light, and privacy.

Reasons

Character and appearance

3. The appeal relates to a detached bungalow with gardens to the front and rear. It is located discretely at the end of a cul-de-sac road, within an established residential area which contains a wide range of house types, size, and appearance, including many which feature dormer windows. There are open fields to the east and south, but the mature trees and vegetation along those boundaries ensure that the property is well screened.
4. The roof alterations would transform the modest hipped roof bungalow into a dormer bungalow with a gable-ended roof, and 3 rear dormers that open out

onto a balcony of around 1.57 metres in depth. According to the Council's figures, the height of the roof would be increased by approximately 2 metres. The appearance of the property would therefore be significantly changed. However, change does not necessarily always equate to harm.

5. Though the new roof would appear somewhat top-heavy, this is not uncommon for a dormer bungalow. Indeed, I observed other similarly proportioned dormer bungalows nearby, including 26/28 The Avenue and in Arthursdale Drive. Such development is therefore part of the established character of the area. Moreover, given the property's discrete position and the variety of dwellings in the area, it would not appear incongruous in the street scene.
6. Furthermore, the dormers and balcony would be confined to the rear where they would be well concealed from public view. In any event, the pitched roof design and spacing of the dormers would ensure that they are not overly dominant features within the extended rear roofslope. In addition, the balcony would be a relatively small and lightweight feature with a limited projection. Thus, whilst the dormer and balcony combination might be an unconventional arrangement, I do not consider that they would result in bulky or unsympathetic additions to the dwelling.
7. Overall, I am satisfied that the development could be accommodated without causing harm to the character and appearance of the surrounding area. The proposal therefore complies with the general design requirements of Policies P10 and P12 of the Leeds City Council Core Strategy (amended 2019) (the CS); Saved Policies BD6 and GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP); Policy BE1 of the Barwick in Elmet and Scholes Neighbourhood Plan; and Policy HDG1 of the Council's Householder Design Guide Supplementary Planning Document (2012) (SPD). The proposal also complies with Section 12 of the National Planning Policy Framework (the Framework) with regards to achieving well designed places.

Living conditions

8. The appeal property is set further back from the road than its two-storey detached neighbour to the west, 30 The Avenue. The rear boundary between the properties is typically formed of timber fencing and shrubs.
9. The change from a hipped roof to a gable end would undoubtedly result in the appeal property having a greater prominence in the outlook from the neighbour's rear windows and outdoor patio. However, the gable alteration would not reduce the gap to the boundary or project any further beyond the main rear elevation, albeit the gable would be wider. Furthermore, the width of the gable wall would decrease towards its apex, and the dormers and balcony would be positioned well away from the edge of the roof. Indeed, both of the larger dormers and the balcony would be located towards the eastern side of the roof, furthest away from the boundary. It is also relevant that No 30 benefits from a relatively deep rear garden. Taking all these factors into account, I am satisfied that the proposals would not appear unacceptably dominant or result in a harmful sense of enclosure when viewed from No 30.
10. Given the orientation, it is likely that the patio area of No 30 would experience some additional overshadowing, but only for a limited time in the mornings. The south facing aspect means that for the majority of the day, the patio and rest of the garden would be without shade. I am therefore satisfied that the

proposals would not cause unreasonable overshadowing and loss of light to No 30.

11. No concerns were raised in relation to privacy, and subject to a condition to secure the retention of the privacy screen to the balcony, I see no reason to disagree.
12. For all these reasons, I conclude that the development would not harm the living conditions of the occupiers of 30 The Avenue with regards to outlook, light, and privacy. Thus, the proposal complies with CS Policy P10; Saved UDP Policy GP5; and Policy HDG2 of the SPD, insofar as they seek to protect the living conditions of neighbours. It also complies with paragraph 130 f) of the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

13. I have noted the Parish Council's concern in relation to the structural design of the balcony, but this is not a matter which has any bearing on my assessment of the planning merits of the scheme.

Conditions

14. As suggested by the Council, I have imposed the standard commencement and approved plans conditions for certainty. An additional condition requiring retention of the privacy screen to the balcony is necessary in the interests of privacy. However, the suggested condition requiring the external materials to match the existing building is unnecessary as this is already specified on the plans.

Conclusion

15. For the reasons given, I conclude that the appeal should succeed.

A Caines

INSPECTOR