



Appeal Decision

Site visit made on 11 July 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/N4720/D/23/3319741

29 Daleside Grove, Pudsey, Leeds LS28 8HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mohammed Ashfaq against the decision of Leeds City Council.
 - The application Ref 23/00352/FU, dated 16 January 2023, was refused by notice dated 3 March 2023.
 - The application sought planning permission for Variation of condition 2 (approved plans) to previously approved application 20/00752/FU for changes to the approved plans without complying with a condition attached to planning permission Ref 22/01747/FU, dated 26 April 2022.
 - The condition in dispute is No. 2 which states that: the development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
 - The reason given for the condition is: for the avoidance of doubt and in the interests of proper planning.
-

Decision

1. The appeal is allowed and planning permission is granted for variation of condition 2 (approved plans) to previously approved planning application 22/01747/FU to substitute drawing of proposed drawings with as built at 29 Daleside Grove, Pudsey, Leeds LS28 8HF in accordance with the terms of the application, Ref 23/00352/FU, dated 16 January 2023, and the Site Plan & Ground Floor Plan Drawing No. 0362 (PL)01 Rev E; First Floor Plan & Roof Plan Drawing No. 0362 (PL)02 Rev D; Proposed Elevations & Section A-A Drawing No. 0362(PL)03 Rev H.

Procedural Matters

2. The proposed development has already been completed. The appeal scheme has therefore been assessed on a retrospective basis.
3. The description as set out in the terms of my decision has been taken from the appeal form and decision notice which provides an accurate description of development without going into matters regarding advice received from a builder.

Background

4. Planning permission was granted for variation of condition 2 (approved plans) to previously approved application 20/00752/FU for changes to the approved plans. A condition controlling the development permitted was imposed for the avoidance of doubt and in the interests of proper planning. Condition 2 therefore states, that the development hereby permitted shall be carried out in

accordance with the approved plans listed in the Plans Schedule. The proposed development seeks to vary this condition to substitute drawing of proposed drawings with as built. The difference between the previously approved plans and the as built relates to an increase in height of the front dormer by 20cm which does not appear to be disputed.

Main Issue

5. The main issue is the effect that varying the condition would have on the character and appearance of the host property, its adjoining property, and the surrounding area.

Reasons

6. The appeal property relates to a semi-detached bungalow located within a residential setting and forms one half of a pair of properties. The surrounding properties share a similarity in terms of their size and design and many nearby properties benefit from dormer windows to the front and rear which vary significantly in terms of their size and design. These are generally of a flat roof form although several cover a large proportion of the roof in which they are sited.
7. The host property already benefits from planning permission for a single storey rear extension; dormer windows to front and rear; extension to garage. This consent has already added substantial height and volume to the roof of this modest bungalow.
8. Whilst the front dormer as built is slightly taller to its flat roof than the previous scheme, it remains of a lower height than the ridge of the property with an overall design similar and complimentary to that of the main property. It is also positioned away from the side and up from the eaves which helps to reduce its bulk and dominance on the building. This, together with the undisputed depth and width which has already been considered acceptable by the Council as part of the previous application remains reasonably subordinate to the property and is no more harmful than what was previously approved.
9. The Leeds City Council Householder Design Guide Supplementary Planning Document, 2012 (SPD) directs front dormers to the front to be as small as possible and I note the Council's concern that the proposed front dormer is beyond what is considered acceptable as set out in the SPD. Whilst it would occupy a large proportion of the roof, it would not appear particularly discordant given the diverse appearance of dormers nearby, many of which are indeed large in size, and the Council has also allowed a number of 'large box dormers' to the front relating to properties in the immediate vicinity of the appeal site as set out within their officers' report.
10. I have considered the relationship with the adjoining property which does not have any dormer windows to the front. However, the size and scale of the dormer remains reasonably subordinate to the main property and this relationship is not uncommon in the immediate area. As a result, the dormer window is not particularly harmful to its adjoining property. It therefore does not conflict with the overall principle of the SPD which amongst other matters requires all extensions, additions and alterations to respect the scale, form, proportions character, and appearance of the main dwelling and the locality.

11. I note comments made relating to the tipping point in terms of tolerance. However, on balance, a 20cm height increase in this case is not considered to have a materially harmful effect. On this basis, I conclude that the development does not unacceptably harm the character and appearance of the host property, its adjoining property, and the surrounding area. It therefore accords with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019), Policies BD6 and GP5 of the Leeds Unitary Development Plan (Review 2006) which together, amongst other matters, requires new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. For the same reasons, it also accords with Policy HDG1 of the SPD and the aspirations of the National Planning Policy Framework relating to achieving well-designed places.

Other matters

12. The council's officer's report explains that misinformation received by the applicant from third parties does not outweigh the considered harm, and no weight is afforded to the reasons presented for the breach of planning. I have no reason to disagree, and I too do not afford weight to such matters.

Conditions

13. Given the retrospective nature of the appeal, I have not applied any planning conditions as these would not be necessary for the works already carried out. I have included the approved drawings, in the terms of my decision in the interests of certainty.

Conclusion

14. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed.

N Teasdale

INSPECTOR