



Appeal Decision

Site visit made on 2 August 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/N4720/D/23/3319640

65 Dufton Approach, Seacroft, Leeds, LS14 6EE

- 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 Miss Jane Wasarirevu against the decision of Leeds City Council.
 - The application Ref 22/08417/FU, dated 21 December 2022, was refused by notice dated 3 March 2023.
 - The development proposed is described as *'Proposed works include - demolish existing rear conservatory and replace with 4m double storey rear extension. In addition to this, the proposed works include loft conversion which involves converting the hipped side of the roof into gabled end, upgrading the floor, roof, adding a dormer to the rear part of the roof and two new skylights to the front part of the roof'*.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. While the appellant contends that the matter in dispute concerns the proposed gable and roof alterations, it is clear from the Council's reasons for refusal that it considers the effect of the proposal on the outlook of neighbours to be unacceptably harmful. Having regard to both of the Council's reasons for refusal, the main issues in this appeal are the effect of the proposed development on the:
 - character and appearance of the host property and the surrounding area; and
 - on the living conditions of the occupiers of 63 and 67 Dufton Approach in respect of their outlook.

Reasons

Character and appearance

3. The appeal property is a two-storey semi-detached dwelling in a residential area. It is of simple rectangular form with a hipped roof and forms part of a row of similar buildings which are positioned roughly the same distance from the road with similar spaces between them. As a result, the area has a largely uniform residential character and appearance.
4. The appellant claims the proposed hip to gable extensions would be permitted development. However, that part of the proposal would be an integral element of the overall scheme. Accordingly, I have assessed the scheme in its entirety.

5. While the proposed single-storey rear extension would not be unduly prominent due to its limited size, the proposal to alter the roof from a hipped end to a pitched roof with gable end would result in a roof form which would markedly unbalance the pair of semi-detached properties when seen from the front. Furthermore, the two-storey rear extension would introduce a substantial visually incongruent and intrusive structure in an elevated position above the noticeably lower dwellings in Phoenix Close to the rear. This would be visible from windows in those dwellings to the rear, their rear gardens and from the highway through gaps between the dwellings.
6. The incongruous and harmfully adverse visual effect that would be created by the scale and mass of the proposal as a whole would be further emphasised by the use of white render on the external walls of the proposal which would make it stand out in stark contrast to the red brick dwellings characteristic of the area. Overall, the proposal would be noticeably at odds with the scale and mass and the simple and plain roof slopes of the dwellings in the row and elsewhere nearby. The scheme would therefore harm the appearance of the host dwelling and the uniform character and appearance of the area. The appeal property may not be in a conservation area and may have limited historical or architectural significance. However, this would not justify harmful development.
7. For the above reasons, the proposal would be harmful to the character and appearance of the host property and the surrounding area. The proposal would therefore conflict with Policy P10 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy selective review 2019) (September 2019), and saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review 2006 (July 2006) (the UDP) which, amongst other things, seek to ensure that development avoids problems of environmental intrusion and that extensions and alterations are of an appropriate scale, form and design to the existing building and the wider context. The proposal would also conflict with Policy HDG1 of the Leeds City Council Householder Design Guide Supplementary Planning Document (April 2012) (the SPD) for the same reasons, and with the National Planning Policy Framework (the Framework) which seeks to ensure that development is well-designed and sympathetic to local character.

Living conditions

8. The single-storey flat-roofed section of the extensions proposed to the rear of the house is shown on the plans as projecting some 4 metres from the rear wall of the house in a position very close to the common boundary with 63 Dufton Approach. The Officer Report indicates that this part of the proposal would be 3.2m above ground level and, whilst the plans are not fully dimensioned, from the information available to me this would appear to be a reasonably accurate assessment.
9. The proposed single storey part of the extensions would be closer to the common boundary than the existing smaller glazed conservatory and it would be noticeably higher than that existing structure and the hedging currently found along that boundary. Due to its height, length, solid appearance and proximity to the nearest ground floor window at No 63, the proposed single-storey extension would create a long and oppressive feature resulting in an unduly harmful overbearing sense of enclosure in views from that window.

10. A reasonable gap exists between the appeal dwelling and 67 Dufton Approach. The proposed two-storey rear extension would project some 4 metres beyond the existing rear wall of No 65. Notwithstanding that No 67 is set slightly forward of No 65, the gap that would remain between these houses would be sufficient to ensure that the outlook from windows serving habitable rooms in No 67 would not be harmed to any significant degree by the proposal.
11. Adequate separation would remain between the nearest windows serving habitable rooms in No 63 and the two-storey part of the proposal such that the outlook from those windows would not be harmed to any significant degree by that part of the proposal. Furthermore, the proposed rear dormer would have little perceptible effect on the outlook from neighbouring dwellings. However, a lack of harm in these respects does not overcome the other harm I have identified in respect of the single-storey part of the proposal.
12. For these reasons the proposed development would be unduly harmful to the living conditions of the occupiers of 63 Dufton Approach in respect of their outlook. The proposal would therefore conflict with saved Policy GP5 of the UDP which, amongst other things, require that proposals should seek to avoid loss of amenity. The proposal would also conflict with Policy HDG2 of the SPD for the same reason. While the Framework may encourage sustainable and efficient forms of development, paragraph 130 f) seeks to ensure that developments create places with a high standard of amenity for existing users and the proposal would fail to meet this expectation.
13. Policy BD6 of the UDP concerns matters of design and appearance. I have not been directed to relevant wording in that policy and have therefore not had regard to it in respect of this main issue.

Other Matters

14. The proposal would provide additional improved living accommodation for the appellant and her family. However, this private benefit is not sufficient to outweigh the harm I have identified.

Conclusion

15. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR