



Appeal Decision

Site visit made on 15 August 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/N4720/W/23/3322565

20 Runswick Street, Holbeck, Leeds LS11 9LL

- 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 Mrs Debra Hourigan against the decision of Leeds City Council.
 - The application Ref 22/08448/FU, dated 20 December 2022, was refused by notice dated 24 March 2023.
 - The development proposed is splitting the property into two. The basement shall be converted to current building regulations with a separate entrance into it. This will then become number 20a. The rest of the property shall remain as one dwellinghouse. Also an enlargement of the existing dormer window in the converted attic space. All shown on plan.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would provide adequate living conditions for the intended future occupiers of the basement accommodation with particular reference to internal floorspace, outlook, and access to natural light.
 - The effect of the proposed enlarged front dormer on the character and appearance of the existing property and the wider area with particular regards to scale and design.

Reasons

Living conditions

3. The proposal is to convert the basement into a separate studio flat accessed via a set of external stairs within the garden area. The accommodation would comprise of an open plan kitchen/bedroom and separate shower/bathroom. Two windows would be inserted within the basement of the front elevation.
4. There is no dispute between the parties that the proposed flat would fall below the size as prescribed by the National Described Spacing Standards (NDSS). NDSS standards are intended to provide a good standard of living for intended future occupiers. Whilst the proposal would provide a bathroom, kitchen and sleeping space there would be little floor space to provide seating or dedicated storage normally associated with day to day living. As such the proposal would result in little useable space for the intended future occupants when arranged alongside furniture adding to a confined and cramped living arrangement.

5. I note that the appellant states that the bed shown on submitted drawings would not be double, and that the flat would be restricted to 1 person, however no mechanism has been presented to control these matters, and the imposition of a condition controlling them would not be reasonable.
6. The basement accommodation would be served by 2 small windows in the front elevation of the property. One would be by the entrance door and the other would be a high level window. Given the window's limited size, together with the depth of the basement accommodation there would be a high probability that the accommodation would be gloomy with low levels of natural light. Furthermore, the size, height and location of the windows within the basement accommodation would provide a poor outlook from the living accommodation.
7. Taking into consideration the size of the windows and their positioning within the basement elevation, I conclude that the proposed rooms would be unduly dark and gloomy due to the lack of natural light, with limited outlook due to their position. Whilst I note that the appellant highlights opportunities for intended future occupiers to socialise within the local area, including outdoor recreation facilities, pubs, restaurants and football stadium, these do not provide intended future occupiers with adequate living accommodation and as such their proximity to the appeal premises does not alter the conclusions I have reached.
8. I note that the Council has granted planning permission for basement accommodation¹ at No 17 Runswick Avenue. From the submitted delegated report it appears that this accommodation was intended to be an office, rather than an independent unit of living accommodation which is proposed in this case. As such this example is not comparable to the scheme before me and does not justify harmful development.
9. For the above reasons, I conclude that the proposed development would fail to provide adequate living conditions to the intended future occupiers of the basement accommodation. It therefore conflicts with policies P10, H9 and H6 of Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (Core Strategy) and saved policies GP5 and BD5 of the Leeds Unitary Development Plan (Review 2006) (UDP). There would also be conflict with the National Planning Policy Framework (Framework) which seeks, amongst other matters, for development to create places with a high standard of amenity for future users.

Character and appearance

10. The appeal premise is an end terraced two storey property, with a dormer window to the front. The property and immediate surroundings are predominantly residential traditional back-to-back terraces. A number of properties in the locality benefit from dormer windows to the front, varying in width, height and position within the roof slope.
11. The existing dormer is set up from the eaves and down from the ridgeline and positioned approximately centrally within the roof slope. The proposed dormer would be set slightly up from the eaves and extend across the full width of the roof slope.

¹ Ref: 22/04138/FU

12. I acknowledge that dormers are features within the nearby roofscape, which vary in size, scale and positioning within the roof slope, however whilst there are exceptions to this, they are generally modest in proportion and set down from the ridgeline.
13. Whilst the fenestration of the dormer would closely match that of the host building, the dormer would be significantly larger than the existing dormer and that of the prevailing character. As such, the proposal would dominate the roof slope and fail to respect the character of either the host property and the streetscene regarding its size, scale and design.
14. The appellant has drawn my attention to similar examples within the surrounding streets including No 2 and No 8 Runswick Street (No 2 and No 8) and No 11 and No 17 Runswick Avenue (No 11 and No 17).
15. With regards to No 2 and No 8, I accept that these are set within the same street as the appeal property and are similar in size and scale to the proposed development, however I have not been provided with the circumstances relating to their presence. With regards to No 11, this is located within the neighbouring street and does not form part of the immediate street scene. I accept that this is a large dormer, however I have not been provided with the circumstances relating to its presence. Furthermore, their presence does not provide justification for harmful development.
16. With regards to No 17, this is located within the street behind positioned between properties which benefit from dormers which are set slightly above the eaves line. As noted above, as the property is located within the neighbouring street, it does not form part of the immediate street scene. Nonetheless, from the evidence² before me, I note that the property previously benefitted from a dormer which was set slightly above eaves line and set low down within the roof slope. The approved dormer has been constructed and I had the benefit of seeing on site. Whilst the dormer is wider than the original, it maintains approximately the same positioning above the eaves level and height within the roof slope as the previous dormer. The appeal premises in contrast is located on an end terrace plot and is readily visible when travelling along Shafton View towards Crosby Street. As the dormer would be set slightly up from the eaves and higher up the roof, set closer to the ridgeline, I do not consider the example at No 17 to be comparable. Its presence therefore does not alter my conclusion.
17. I conclude that the dormer would cause harm to the character and appearance of the host property and wider area, contrary to the design principles of Policy P10 of the Core Strategy and saved Policies GP5 and BD6 of UDP which seeks, amongst other matters, for development to respond to local context in terms of size, scale and design. The new dormer would also be contrary to Policy HDG1 of the Householder Design Guide (2012) which seeks, amongst other matters, for development to respect the scale, form, and proportions of the main dwelling and the locality, with particular attention paid to the roof form and roof line. Furthermore, there would also be conflict the with good design aims of the Framework which seeks, amongst other matters for development to be sympathetic to local character. Given the conflict identified the proposal would not comprise sustainable development as asserted.

² 17 Runswick Avenue – reference 22/04138/FU

Conclusion

18. For the reasons set out above, and having had regard to all other matters raised, the proposal conflicts with the development plan taken as a whole. There are no other material considerations which indicate that the decision should be made other than in accordance with the development plan. I conclude that the appeal should be dismissed.

L Clark

INSPECTOR