



Appeal Decision

Site visit made on 17 October 2023

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/N4720/D/23/3328918

10 Kirkhills, Thorner, Leeds LS14 3EX

- 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 R MacLeod against the decision of Leeds City Council.
 - The application Ref 23/02300/FU, dated 12 April 2023, was refused by notice dated 23 June 2023.
 - The development proposed is erection of first floor side extension and erection of single storey rear extension and covered porch with associated internal and external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - i) the character and appearance of the host building and surrounding area;
 - ii) the living conditions of the occupiers of 8 Kirkhills, with particular regard to dominance.

Reasons

Character and appearance

3. Kirkhills is characterised by regularly spaced, two-storey detached houses with attached garages at the side. The houses are generally of similar style and materials, albeit there is some variation in their orientation. I saw that where houses have been extended above the garage, the height has either been kept well below the main ridge, or the first floor is set noticeably back from the front elevation, thereby preserving the original form of the house and maintaining a clear sense of separation at first floor level.
4. The proposals include a large first floor side extension above the existing garage, also projecting beyond the rear of the house. Whilst the side extension would step down slightly in height towards the rear, the front roof slope would be the same height as the main roof and the front wall would be built in line with the front of the main house. The result would be a significant addition that would not achieve an appropriate degree of subordination when viewed from the street and would fundamentally alter, rather than respect, the form, proportions, and appearance of the host building.
5. Furthermore, by virtue of its height, width, and design, the side extension would significantly and noticeably reduce the gap to No 8 at first floor level. This would appear markedly out of place in the context of the Kirkhills

streetscene; particularly when viewed from the west where the extension would be seen to overlap No 8. The hipped roof design of the extension would do little to mitigate these harmful effects.

6. The proposal also includes a change to the cladding materials at the front of the property, but having seen a similar nearby example, I do not consider that it would be a harmful change. Nor do I consider the other uncontested aspects of the scheme to be harmful, but as they are not clearly severable, I am unable to issue a split decision.
7. Consequently, as a result of the first floor side extension, I find that the proposal would unacceptably harm the character and appearance of the host building and surrounding area. This is contrary to Policies P10 and P12 of the Leeds Core Strategy (Selective Review 2019) (CS); Saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) (UDP); and Policy HDG1 of the Council's Householder Design Guide Supplementary Planning Document (2012) (SPD), which collectively seek to secure high quality design and ensure that alterations and extensions are subordinate and respect the form, proportions, and character and appearance of the original building and the locality. It is also contrary to Section 12 of the National Planning Policy Framework (the Framework) with regards to achieving well designed places.

Living conditions

8. The first floor side extension would introduce a tall expanse of brickwork close to a first floor landing window and the side passageway of No 8. The passageway is accessed from a kitchen door at the side and provides access to both the front and rear gardens. I also note that this is the area where No 8's refuse bins are kept. It is therefore likely to be an area used quite frequently.
9. I acknowledge that the landing window does not benefit from the same level of protection as a habitable room window. Nonetheless, a blank expanse of wall so close to this window would be inescapably oppressive. Furthermore, the height and length of the wall along the passageway would likely create a tunnelling effect resulting in an undue sense of enclosure compared to the existing situation. When taken together, these effects would, in my judgement, cause the side extension to appear unacceptably dominant for the occupants of No 8, thereby adversely affecting the enjoyment of their property to a small extent.
10. I therefore find that the first floor side extension would materially harm the living conditions of the occupiers of 8 Kirkhills. This is contrary to Policy P10 of the CS; saved Policy GP5 of the UDP; and Policy HDG2 of the SPD, where they seek to protect the residential amenity of neighbouring occupiers. It is also contrary to paragraph 130 f) of the Framework, which seeks a high standard of amenity.

Other Matters

11. The proposals would benefit the occupants of the dwelling with improved living space. Even so, this is not justification for harmful development and the resultant conflict with the relevant policies of the development plan. There may also be other less harmful ways of achieving such benefits.

12. It is unfortunate if the appellant was not given the opportunity to address the Council's concerns at the planning application stage. However, this does not alter my assessment of the planning merits of the appeal.

Conclusion

13. The proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate that the decision should be made otherwise. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR