



Appeal Decision

Site visit made on 21 November 2023

by N Kempton BA(Hons) PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/N4720/D/23/3330220

69A Upper Wortley Road, Upper Wortley, Leeds LS12 4JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Arshad Mahmood against the decision of Leeds City Council.
 - The application Ref 23/02238/FU, dated 10 April 2023, was refused by notice dated 5 July 2023.
 - The development proposed is alterations including hipped to gable roof extension on both sides to form first floor level and hard standing and retaining wall to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the decision notice rather than the application form. The brevity of the latter omitted reference to the hard standing and retaining wall proposed to deliver parking provision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal concerns a detached bungalow occupying a site which is elevated above Upper Wortley Road. The dwelling faces the road. The principal elevation is visually balanced with a central door that is flanked by bay windows. The property is presently enclosed to the front by a brick wall and accessed via a central pedestrian gate leading to a ramped pathway across the front garden direct to the front door.
5. Situated within a predominantly residential area, the bungalow is adjacent to a two-storey dwelling. The surrounding built form is varied in character and design. The current hipped roof form would be changed to a gabled roof with ridgeline parallel to the road.
6. Dwellings in the immediate vicinity of the appeal site are typically two storeys in height and modest in scale. As such, the proposed increase in height of the dwelling would not be out of keeping with the character of the area in this regard as a matter of principle.
7. Notwithstanding the massing and scale of the property, which would reflect that which is typical of the area, the property occupies a comparatively small site. The rear garden is particularly constricted; limited in size and an awkward

triangular shape. The existing bungalow is commensurate with the plot's size. Conversely, the combined effect of the proposed increase in height, scale and mass of the dwelling would be substantial on such a small and elevated plot with a much-reduced garden area. Consequently, it would appear overpowering to the detriment of the character and appearance of the area.

8. The elevated position of the dwelling increases its prominence. At present the scale of the bungalow appears to respond to the topography, stepping down in height from two storey dwellings to the single storey appeal property and to the open land beyond, as the road leads down the hill. Increasing the scale of the dwelling to two storeys would increase its prominence on the site and in the street scene and would fail to respond to this transition. This would harm the character and appearance of the area.
9. The proposal includes the provision of three parking bays that would necessitate ground works to level part of the amenity space to the property frontage and the erection of retaining walls. The central pedestrian gate, pathway and part of the front boundary wall would be removed. Only a small area of garden space would remain, creating an imbalance to the frontage. The proposed parking area with retaining wall behind would dominate the front of the site, introducing a prominent feature that is uncharacteristic of the wider street scene.
10. Front gardens are attractive, with soft landscaping animating the space, positively contributing vibrancy and colour to the street scene. Conversely, the loss of a large proportion of the front garden, as proposed, would detract from the character and appearance of the street. The loss of the garden wall would erode the enclosure that is otherwise continuous from Thornhill Croft to the access road at the side of the appeal site and serves to unify this line of properties fronting Upper Wortley Road. The parking bays, therefore, would be an uncharacteristic feature inconsistent with the character and appearance of the area. The bays would be unduly prominent and visually dominant on the property frontage, resulting in very substantial visual harm to the street scene.
11. For these reasons, the proposed development would be contrary to the objectives of: Leeds Core Strategy Policy P10 which requires good contextual design appropriate to its size, scale, and location, that protects visual amenity and respects and enhances streets and spaces, local character and distinctiveness, and positively contributing to place-making; Policy BD6 of the Leeds Unitary Development Plan, which requires development to respect the scale and form of the original building; and Policy GP5 of the Leeds Unitary Development Plan, which requires development proposals to resolve detailed planning considerations. Furthermore, loss of the garden wall would be contrary to Policy N25 of the Leeds Unitary Development Plan which requires boundaries to be designed in a positive manner appropriate to the character of the area.

Other Matters

12. Whilst access was not a reason for refusal, the Council mentioned that to access the parking bays cars would need to cross private land outside the appellant's control. It is unclear from the evidence if this would indeed be the case. Were I to be allowing the appeal, I would have sought clarification on this matter. However, as I am dismissing on the main issue and this matter cannot

alter the outcome of the appeal, I have not sought further representations on this.

13. It is acknowledged that the appeal proposal has sought to address some of the concerns of the previous appeal scheme- specifically omission of the dormer windows and accommodation in the roof space- however, the essence of the appeal scheme largely remains unchanged from that which was previously considered and dismissed at appeal. The combined impact of the quantum of built development on this comparatively small site and the creation of an uncharacteristic and visually dominant feature to the front of the property has led me to conclude that the proposed development would be detrimental of the character and appearance of the area.
14. I note the provision in paragraph 120(e) of the National Planning Policy Framework (the Framework), which relates to effective use of land and supports upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. Notwithstanding this, I have found that the proposed development does not comply with local design policies. As such the proposed development would be contrary to the Framework in that regard.
15. Even if the 'fallback' of the roof extension were to be available and were to be implemented, it would still leave the parking bays and associated works here proposed, which I have found would cause significant harm. Accordingly, any such 'fallback' option that might exist could attract only limited weight.

Conclusion

16. I have found that the proposed development would conflict with the development plan when read as a whole. There are no other considerations, including the provisions of the Framework and claimed 'fallback', which outweigh this finding.
17. For the reasons given above, the appeal is dismissed.

N Kempton

INSPECTOR