



Appeal Decision

Site visit made on 5 December 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/N4720/D/23/3324847

71 Old Park Road, Gledhow, Leeds LS8 1JB

- 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 Kathryn and Nick Freear against the decision of Leeds City Council.
 - The application Ref 22/08086/FU, dated 5 December 2022, was refused by notice dated 19 May 2023.
 - The development proposed is single storey side/rear extensions, raised patio to side with timber screen; timber fencing at side/rear; alterations to side bay; roof lights to side and rear.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side/rear extensions, raised patio to side with timber screen; timber fencing at side/rear; alterations to side bay; roof lights to side and rear at 71 Old Park Road, Gledhow, Leeds LS8 1JB in accordance with the terms of the application, Ref 22/08086/FU, dated 5 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Site Plan – As Proposed Drawing No. 408 (PL) 101 Revision A; Basement Plan – As Proposed Drawing No. 408 (PL) 102 Revision A; Ground Floor Plan – As Proposed Drawing No. 408 (PL) 103 Revision B; First Floor Plan – As Proposed Drawing No. 408 (PL) 104 Revision A; Second Floor Plan – As Proposed Drawing No. 408 (PL) 105 Revision A; Roof Plan – As proposed Drawing No. 408 (PL) 106 Revision A; West Elevation – As Proposed Drawing No. 408 (PL) 107 Revision A; North Elevation – As Proposed Drawing No. 408 (PL) 108 Revision A; South Elevation – As Proposed Drawing No. 408 (PL) 109 Revision A; East Elevation – As Proposed Drawing No. 408 (PL) 110 Revision A.

Procedural Matters

2. The description in the above banner heading has been taken from the decision notice and appeal form as this accurately describes the development.

3. The decision notice includes reference to the Proposed Floor Plan 408 (PL) 103 Revision A. This is however Revision B as confirmed by the Council.
4. An update to the National Planning Policy Framework (the Framework) has been published dated 19 December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issues

5. The main issues are the effect of the proposed development on:
 - The character and appearance of the host property, including whether it would preserve or enhance the character or appearance of the Roundhay Conservation Area (CA); and
 - The living conditions of existing occupiers of No 3 The Drive (No 3) in relation to outlook.

Reasons

Character and appearance

6. The appeal property is a stone built, period building forming one half of a pair of properties located along a row of other residential properties within a residential setting. The property like others along this row are set back from the street with garden areas and parking to the front and sides. Low level walls and fences run across the front of the row of properties beyond of which are tall hedges, trees and shrubs which enclose the front garden areas creating a soft and verdant character. The appeal property has a driveway leading from Old Park Road via a tall, gated entrance and the property faces out onto Roundhay Park which is located on the opposite side of the road.
7. The site lies within the CA and I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I have had regard to paragraph 205 of the Framework in terms of giving great weight to the CA's conservation. The officer's report refers to the building as a non-designated heritage asset. Paragraph 209 of the Framework explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The CA is noted for Roundhay Park which is one of Leeds most important historic landscapes recognised by its inclusion in the national register of parks and gardens (grade II). Residential development on the fringes of the park is probably the largest area of superior late Victorian, Edwardian and inter-war housing in the region, surviving in a relatively unaltered and uninterrupted state. The Roundhay Conservation Area Appraisal (CAA) explains that mature planting in the gardens and the highway verges has created leafy vistas and that long front gardens and a strict building line create open space between the houses and the roads. Glimpsed views between the houses of deep rear gardens are also important to the spatial character of the area. Front walls

backed by tall hedges define public and private spaces in late Victorian and Edwardian streets.

9. In accordance with the CAA, the site lies within Character Area 5 'West of the Park' where the property is listed as a positive building. Its significance is derived from its historic and aesthetic merits, constructed in the neo-gothic / gothic revival style, likely dating from the Edwardian era and is heavily articulated. It forms a mirrored pair with 73 Old Park Road to the north and they both exhibit a strong aspect of their original character set behind garden walls and a tree lined verge. The pair therefore make a positive contribution to the CA.
10. The proposed development amongst other works, would introduce a single storey rear and side extension, with a deck to the front. These are set to either side of an existing single storey side/rear projection which is located to the rearmost part of the dwelling. Both of which would be single storey of a low height particularly in comparison to the varying ridge heights of the property/other projections and would comprise both a flat roof form and a hipped roof. Both elements would have a limited overall depth which would not extend further outwards to the rear than the existing side/rear projection. Whilst the proposed side extension would occupy the space to the side boundary and project outwards from the side wall, the size of the plot can accommodate the extension allowing a gap to remain between the extension and the side boundary to the south. Its single storey form and set back position to the rearmost part of the property along with its hip roof form which would fall away from the common boundary would reduce its overall bulk and dominance on the main property. I note comments regarding the roof scape and ridge line which is said to exacerbate its width. However, whilst the extension would be wider than some key features of the property such as the ground floor bay, its overall width would not be greater than the main property and thus would be a subordinate addition when read as a whole. The ridge lines of the main property vary given the overall roof configuration/other projections resulting in a staggered arrangement. Individual ridge line widths are therefore smaller although when considered together, the ridge line width of the main property and dormer window located on the side elevation to the south would be greater than the proposed extension albeit one ridge line is lower than the other. The overall style and decorative ridge detailing would continue within the extension and this, together with its limited ridge width would allow it to remain subordinate to the main property.
11. The appeal property and its adjoining neighbour have unusually short rear gardens with their main amenity space provided to the side and front of the properties. Views are however limited of the side garden area given the presence of boundary fencing which encloses this area as well as other boundary treatments/enclosures nearby including to the front of the property as well as trees and vegetation surrounding the site. Whilst glimpsed views of the rear elevations of properties along The Drive are possible through the open space to the side of the appeal site, I cannot agree that glimpsed views into the rear gardens of these properties can be readily had given the overall arrangement and boundary treatments that exist and thus this element would not be significantly eroded by the proposed development.
12. I accept that there is a sense of space and openness around properties in the area and this characteristic is emphasised by the presence of the open spaces

of nearby Roundhay Park. However, I observed on my site visit that nearby properties also vary in terms of size and form including different side projections/garage configurations as well as varying gaps/spaces between properties. The building line to the front would not be affected by the extension and the open space between the houses and the main road would therefore remain even taking into account the proposed decked area. Additionally, there would continue to be a visual gap between properties given the single storey element and gap remaining to its side boundary where there would still be an element of openness above and around the extension. The proposed side addition in this case whilst closer to its boundaries would not appear discordant in this setting given the diverse form of other nearby properties/configurations and varying degrees of space that exist around properties. The level of openness when viewed from the houses to the rear would not be significantly affected given the single storey nature where only a proportion of the building would be visible above the rear boundary fencing.

13. I accept that front elevation features such as windows and porches fix the proportions and floor levels of the dwelling which carries on through to similar features of nearby properties. The side extension would be set slightly lower than the ground floor level and slightly higher than the first-floor level. However, the overall arrangement would not be a significant departure from this characteristic of the host property or others nearby and would not be readily noticeable to most nor harmful, particularly given the setback position away from the front most elevation which would continue to be the main focal point for the property. Additionally, the set at ground floor level of the extension would not be readily visible from public vantage points given the existing and proposed boundary treatments to the front and its ridge height would be in line with the ridge of the ground floor bay window located on the side elevation to the south which is proposed to form a patio door and thus would not be read as being out of keeping or so contrasting in relation to the main property.
14. The side extension proposes a triple patio door on the front elevation whereby each glazed door replicates the central pane of the ground floor front bay window. Collectively, it would be greater in scale than the original windows, nevertheless, it would not be so significant in size or scale to be harmful to the overall proportions and appearance of the host property or CA particularly as the style of each glazed door would have a similar style reflective of the existing fenestration. Notwithstanding, it would also be set further back within the site at a distance from the front elevation windows where it would be read differently with the front most elevation remaining the main focal point of the property. The presence of stone mullions and narrower centre panes on the original windows would not alter my findings on this as the overall style would still be similar to that of the host property which would not be so out of keeping as to have an adverse visual impact. Concerns have been raised regarding the solid to void ratios of the extensions front elevation given the greater expanse of walling and solid material within the main property. Again, I do not find this to be harmful given the setback position away from the front most elevation and its steeply pitch roof would also help to add to the expanse of solid when viewed from the front.
15. Moreover, a large proportion of the side extension including its patio doors would be shielded from views given the location to the rearmost part of the dwelling and the existing and proposed boundary treatments including planting

to the front as well as the boundary treatments that already exist to the frontmost part of the property. This would help to filter views with the full extent of the extension only apparent from very short-range views. On this basis, any visual impact arising from the proposed development would be limited and, in any event, would not appear discordant for the above reasons.

16. The northern extension proposed to the rear of the dwelling would have a flat roof form and a staggered arrangement and whilst it may have derived from the constraints of the space, it would still have a limited overall height, depth, and width with the inclusion of features such as stone heads/cills to windows which mirrors those found within the existing property. Its overall design is similar and complementary to that of the main dwelling and would therefore still be subordinate. I note comments regarding its flat roof form and ridge line. However, I do not find the arrangement proposed to be so contrasting in shape, form, and appearance as to have an unacceptable adverse impact upon the host property. Moreover, there are very limited views of this elevation from public or private spaces and on balance, it would not be harmful.
17. For the above reasons, I conclude that the proposed development would preserve the character and appearance of the host property and CA. As such, it would accord with Policies P10 and P11 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (CS), Policies GP5 and N19 of the Leeds Unitary Development Plan (Review 2006) (UDP) which together, amongst other matters, requires all new buildings and extensions within or adjacent to conservation areas to preserve or enhance the character or appearance of the area. For the same reasons, the proposed development would also accord with Policy HDG1 of the Leeds City Council Householder Design Guide Supplementary Planning Document, 2012 (SPD) and chapter 16 of the Framework relating to conserving and enhancing the historic environment.

Living conditions

18. Residential properties located along The Drive are located to the northwest of the site and whilst they front The Drive, the side elevation of No 3 faces onto the rear elevation of the appeal property and its neighbour at No 73. Its rear amenity space is located to the south and forms the shared boundary with the appeal site which is separated by a tall fence.
19. The host property already benefits from a single storey side/rear projection whereby a good proportion of this projection is already visible above the fence line. The proposed development would introduce a single storey rear and side extension which would be set to either side of the existing single storey side/rear projection. The proposed side extension would extend outwards from the side wall towards the south but would be of a lower ridge height than the existing single storey side/rear projection, remaining single storey.
20. The relationship that exists and the positioning of No 3 means that whilst the proposed side extension would be visible from the rear elevation of No 3, this would be at a distance and largely at an angle where most of the views from this elevation are away from the appeal site and thus outlook would largely be retained. Whilst the extension would be more apparent from No 3 when utilising their amenity space, its set back from the boundary, low height with a hip roof form and limited overall depth and width would ensure that the proposed development would not represent a visually dominant feature or be of

a size and scale to severely restrict outlook for the occupiers of No 3. For these reasons and, considering the size of the rear amenity space serving No 3 which provides for good levels of outlook generally, the development would not be so enclosing to cause a significant detrimental impact on the living conditions of existing occupiers particularly when taking into account the existing projection which already sits close to the boundary of this property.

21. The proposed side extension would enclose some of the open space that currently exists to the appeal site's side boundary. However, this is already limited to some degree when viewed from the rear of No 3 given the presence of the existing rear/side projection and the tall fence that currently exists along the boundary which would continue to screen a large proportion of the extension with a gap remaining to the southernmost part of the site. On this basis, there would still be an element of openness above and around the side extension and such a relationship between built form is not uncommon within such a residential setting.
22. For the above reasons, I conclude that the proposed development would not have an unacceptable impact on the living conditions of existing occupiers of No 3 in relation to outlook. The proposed development would therefore comply with Policy P10 of the CS, Policies GP5 and BD5 of the UDP which together, amongst other matters, explains that proposals should seek to avoid problems of loss of amenity. For the same reasons, the proposed development would also comply with Policy HDG2 of the SPD.
23. The Council refer to Policy P11 of the CS within their second reason for refusal. This policy however relates to conservation, and I have assessed this accordingly above. It is not therefore considered relevant to matters relating to living conditions.

Other Matters

24. I have had due regard to the comments made by third parties in relation to the proposed development some of which I have addressed above. I am however aware of the further comments made regarding living conditions in terms of outlook, daylight/sunlight, overshadowing, privacy and noise/disturbance. Such matters have been considered by the Council whereby it was concluded that apart from the outlook from No 3 which is discussed further above, there would be no significant harm in relation to such matters on nearby properties. This is largely due to the revisions made to the scheme, relationship that exists between nearby properties, set back position from its boundaries, size and scale of the development, existing and proposed boundary treatments, roof form, position of windows/rooflights as well as there being no compelling case that the proposed development would result in antisocial or unneighbourly behaviour or what can be reasonably expected in residential areas. Based on the plans provided and my own observations onsite, I have no reason to disagree with the Council's overall assessment on such matters.
25. Comments have also been made in relation to biodiversity and drainage matters. Whilst no formal assessment appears to have been carried out in relation to biodiversity, given the site context and small-scale nature of the works, I do not consider it likely that the proposed development would have a harmful impact in this respect. In terms of drainage, the property is located in flood zone 1, and thus at the lowest risk for flooding. Again, the site context and small-scale nature of the works is not likely to result in any harmful effects

and the potential impact upon the shared courtyard drain is a private matter related to property which is outside the scope of my assessment.

26. Concern has been raised regarding further precedent for such additions although each case is considered on its own individual merits and any future applications would need to be assessed accordingly.

Conditions

27. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition relating to materials is also necessary to ensure the satisfactory appearance of the proposed development which does not harm the character and appearance of the CA. The officer's report makes reference to boundary treatments although a formal condition has not been suggested. Such details have been provided on the plans submitted which have been conditioned. On this basis, I do not consider further details to be necessary in this instance. Reference has also been made to biodiversity within the officer's report although again no formal condition has been suggested. Nevertheless, given the site context and small-scale nature of the works, I do not find a condition to be necessary in this instance.

Conclusion

28. For the reasons given above and having had regard to the development plan as a whole and all other matters raised, the appeal is allowed subject to the attached conditions.

N Teasdale

INSPECTOR