
Appeal Decision

Site visit made on 3 January 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/N4720/D/23/3332199

25A Harwill Avenue, Churwell, Morley, Leeds LS27 7QQ

- 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 D Fitzgerald against the decision of Leeds City Council.
 - The application Ref 23/03527/FU, dated 8 June 2023, was refused by notice dated 9 August 2023.
 - The development proposed is erection of single storey extension to side elevation.
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Decision

1. The appeal is allowed and planning permission is granted for single storey extension to side elevation at 25A Harwill Avenue, Churwell, Morley, Leeds LS27 7QQ in accordance with the terms of the application, Ref 23/03527/FU, dated 8 June 2023, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 25AHWA-003 Rev A (Proposed Elevations), 25AHWA-004 Rev A (Proposed Floor Plans) and 25AHWA-004 Rev A (Proposed Block Plan).
 - 3) 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.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions from the main parties on the revised Framework.

Main Issue

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

Reasons

4. The appeal site relates to a two storey detached dwelling on Harwill Avenue. The property is set back from the road with a driveway to the front and a triangular shaped garden to the side which is bounded by a wall and fence interspersed

with piers. The property includes a single storey projection which spans the width of the front elevation and a detached garage in the side garden which sits at an angle to, and is partly forward of, the house.

5. The surrounding area is of established residential character and consists primarily of two storey detached and semi-detached properties. The street scene is relatively diverse due to the different sizes and designs of properties, and the variety of domestic extensions that have been added to them. These include extensions to the front of properties, and many to the side, which often take the form of garages.
6. Although the existing garage on the appeal site sits slightly forward of the dwelling itself, it is not an unduly inconspicuous feature of the street scene due to its flat roof design and modest height and it is partially screened from the road by the wall and fence on the site frontage.
7. The existing garage would be removed. The single storey extension which would replace it would have a pitched roof and would extend from the gable end of the dwelling and from the side of the existing single storey front projection. This side of the property is relatively prominent within the street scene due to the generous gap between it and 25 Harwill Avenue and its position on a slight bend in the road.
8. In terms of footprint and height, the proposal would be a more substantial structure than the existing garage. Its width would be greater than two thirds of the width of the existing house. This element of the proposal would not, therefore, strictly comply with the guidance contained within the Council's Householder Design Guide Supplementary Planning Document (SPD). However, the depth of the extension would be modest, and it would not extend forward of the existing single storey projection to the front of the property. As the garden area to the side is generously sized, the proposal would not appear cramped. The proposal would include a dual pitched roof which would harmonise with the roof of the existing single storey front projection. External materials would match the existing property.
9. Consequently, the proposal would not look out of place in the street scene, especially in view of the wide variety of other garages and extensions in the surrounding area, such as the large garage to the side of 26 Harwill Avenue, on the opposite side of the road. Accordingly, I find that the overall scale and proportions of the proposal would be acceptable. Moreover, the appeal scheme would see the removal of the existing garage to the front of the site which is now a somewhat tired looking structure.
10. In determining the appeal, I have also had regard to the appellant's fallback position for an outbuilding to the side of the dwelling, which benefits from a certificate of lawful development granted by the Council¹. There is some likelihood that the outbuilding, which would take the form of a freestanding garage, would be implemented on site and it therefore represents a legitimate fallback position to which I attach significant weight. Whilst this outbuilding would not be attached to the dwelling, it would be sited very close to the side of it and occupy a similar footprint and position to the appeal proposal. The appeal proposal would not have a dissimilar impact to the outbuilding. Arguably, the appeal proposal with its pitched roof would result in a better overall design

¹ Council ref. 23/02840/CLP

outcome than the outbuilding, which would have a more utilitarian appearance due to its flat roof construction.

11. For the above reasons, I conclude that the proposal would not be significantly harmful to the character and appearance of the host property or the surrounding area. Therefore, it would not be contrary to saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review) 2006, Policy P10 of the Leeds City Council Core Strategy 2019, or the overall objectives of Policy HDG1 of the SPD. Amongst other things, these policies and guidance seek to ensure that extensions and alterations are of an appropriate scale, form and design to the existing building and the wider context. It would also not conflict with the Framework which seeks to ensure that development is well-designed and sympathetic to local character.

Conditions

12. I have had regard to the Council's suggested conditions. I have attached the standard time limit condition and a condition specifying the relevant plans as this provides certainty. A condition requiring materials to match the existing property is necessary in order to ensure a satisfactory appearance.

Conclusion

13. For the above reasons, and subject to the conditions specified, I conclude that the appeal should be allowed.

M Ollerenshaw

INSPECTOR