



Appeal Decision

Site visit made on 21 November 2023

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/N4720/D/23/3330187

63 Winrose Drive, Belle Isle, Leeds LS10 3HP

- 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 Kevin Honeyman against the decision of Leeds City Council.
 - The application Ref 23/01986/FU, dated 28 March 2023, was refused by notice dated 20 July 2023.
 - The development proposed is a single storey side extension of the dwelling in order to accommodate a bedroom and a wet room for a disabled person.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework), was published in December 2023 and is a material consideration to this appeal. Both parties were given the opportunity to comment on this. I have taken into account the response received.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - amenity and highway safety; and,
 - the appellant's personal circumstances.

Reasons

Character and appearance

4. Four pairs of semi-detached houses stand in a formal layout opposite each other between each of the four legs of a broad crossroads. Each corner of the crossroads has been truncated with oblique footways, or verges and tree planting. The front gardens of the houses are enclosed by low walls or fences. Because of the formality of their siting, the low street enclosure, and the generous public realm at this junction, the pairs of houses are prominent features which command the public space between them.
5. Side extensions to properties occupying corner plots are largely absent in the immediate area. Indeed, the area is characterised by the generous, and largely undeveloped space between the pairs of houses whose common townscape of

compact mass and footprint under pitched roofs with robust, traditional detailing and quality materials provide an attractive backdrop to the street.

6. I appreciate that the side garden of the house is broad and could accommodate the extension without the plot appearing cramped. However, given the compact footprint of the house, the width of the proposed extension would undermine the prominence of the main section of the house. It would unbalance its place in the hierarchy of forms in the street scene. The lack of a set-back or articulation of the extension from the front line of the house would exacerbate this imbalance.
7. Moreover, the very low pitch of the roof of the extension, as well as its monopitch form, would undermine the utility and order in the roofscape of some of the houses in the area which are distinguished by elegant sprocket-hipped ends, and paired, high gables. In this distinctive townscape context, the proposal would appear incompatible.
8. Furthermore, I observed that side extensions of similar width to this proposal are not common in the street scene. Where houses have been extended, generally the extensions have been set back from the front building line, which ensures their subservience to the main mass of the house, at least in townscape terms, if not spatially.
9. I conclude that for these three reasons: the width of the extension; its front wall position flush with that of the house; and the low pitch and monopitch form of its roof, the proposal would undermine the distinctive architectural character of the buildings which characterise the area and whose coherent forms, detailing and materials make it distinctive. These elements of the extension's design would lead to very significant harm to the character and appearance of the area.
10. The proposed development would conflict with UDP policy BD6, which requires extensions to respect the scale, form and detailing of the original building, as well as policy P10 of the Leeds Core Strategy 2019 (CS), which requires good contextual design, that respects the character and quality of surrounding buildings. The proposed development is also in conflict with the guidance on achieving well-designed and beautiful places contained in chapter 12 of the Framework, which seeks to ensure development is visually attractive, in keeping with its surroundings, and maintains a strong sense of place.
11. The Council referred to saved policy GP5 of the Leeds Unitary Development Plan (Review 2006)(UDP), however, it's not determinative to this issue.

Amenity and highway safety

12. The development would reduce the amount of space beside the house, though it is unclear if parking space would be lost. Even if parking space were lost, the street is not parking-controlled and I saw no signs of unsustainable pressure for street parking in this area. In the absence of any substantive evidence to the contrary, I conclude that the development would not reduce the amenity of neighbouring occupiers or cause a risk to highway safety. I find no conflict from the proposal with UDP policy GP5 and CS policies P10 and T2 as far as they concern car parking.

Personal circumstances

13. I recognise the failure of this appeal could affect the living arrangements for the current occupant of the house. I have had due regard to Article 19 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), to the Human Rights Act 1998 (HRA), and to the Public Sector Duty (PSED) under Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, advance equality of opportunity and access, and foster good relations between persons who share a protected characteristic and those who do not share it. Disability is a relevant protected characteristic to which the PSED applies.
14. These rights are engaged in reaching my decision and I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key. I recognise that the extension has been designed to provide facilities for a person with a protected characteristic and does not include other extraneous accommodation. Given the detailed evidence on the protected characteristic and the accommodation proposed, I attribute significant weight to the benefits of the proposal.

Other Matters

15. The Council suggests that an alternative siting for the proposed extension would resolve the policy conflicts, however, I do not have details of an alternative extension. I have assessed the proposal before me.

Conclusion

16. I have found that the development would not reduce the amenity of neighbouring occupiers or cause a risk to highway safety. However, because of the three elements of its design which I have identified, it would lead to very significant harm to the character and appearance of the area.
17. I have had due regard to the Equality Act 2010, and the UNCRPD. I acknowledge that the additional living accommodation would deliver benefits related to a person with the protected characteristic of disability. The negative impacts of dismissing the appeal on the appellant arise since he would be unable to extend and improve his home as sought, and his accessibility requirements in terms of living conditions would not be met in this regard.
18. Furthermore, there is a chance that the appellant's specific needs would not be met if an acceptable alternative could not be put forward. However, having due regard to this, and to the need to eliminate discrimination and promote equality of opportunity, I have concluded that the interference of rights is necessary and proportionate in dismissing the appeal, in view of the legitimate and well-established planning policy aims to protect the character and appearance of the area.
19. Even taken alongside the other considerations, including the benefits of the proposal related to a person with the protected characteristic of disability, the PSED considerations would not outweigh the harm I have identified.
20. The proposed development is contrary to the development plan, when read as a whole, and there are no material considerations to indicate that a decision

should be taken other than in accordance with that plan. For the reasons given above, I conclude that the appeal should be dismissed.

N Kempton

INSPECTOR