



Appeal Decision

Site visit made on 5 March 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Appeal Ref: APP/N4720/D/23/3335000

134 Lincombe Drive, Gledhow, Leeds LS8 1PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dr Hugh Harris against the decision of Leeds City Council.
 - The application Ref is 23/05316/FU.
 - The development proposed is the erection of a single storey side and front wrap-around extension with a hipped roof.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side and front wrap-around extension with a hipped roof at 134 Lincombe Drive, Gledhow, Leeds LS8 1PU in accordance with the terms of the application, Ref 23/05316/FU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 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, Block Plan, and drawing reference number 134/101D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the construction of the exterior of the existing building.

Preliminary Matter

2. The application form refers solely to the erection of an extension, but the decision notice includes additional reference to replacement hardstanding to the front and side. However, there are no specific details of any proposed hardstanding on the plans submitted and it is unclear whether the appellant was in agreement with the change of description. I have therefore made my assessment of the proposal on the basis of the description of development set out on the application form.

Main Issue

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

Reasons

4. There is great variation in the design, scale and layout of dwellings in the area that surrounds the appeal site and beyond. However, the appeal dwelling sits within a row of three identical pairs of semi-detached dwellings, none of which

have been altered in any notable way to their front or side elevations. This creates a pleasant and visually coherent row of dwellings within this section of the street scene, in particular in views taken down Lincombe Drive. Collectively, these dwellings contribute positively to the character and appearance of the surrounding area.

5. The effect of the proposal would be to disrupt this symmetry by adding the ground floor wrap-around extension to the host dwelling. It would visually set it apart from the unaltered other semi-detached dwellings in the row. Due to the surrounding topography and the prominent position of the appeal dwelling within the street scene, close to the wide junction with Lincombe Mount and set forward from 132D Lincombe Drive, the proposed development would be particularly noticeable. Therefore, although only of a relatively small scale, what is proposed would nonetheless cause visual harm to the host dwelling and the street scene.
6. Consequently, the proposal would fail to accord with the aims of Policies P10 and P12 of the Core Strategy 2019 and Policies GP5 and BD6 of the Unitary Development Plan 2006 where they seek to protect character and appearance. There would also be a conflict with the aims of Policy HDG1 of the Householder Design Guide Supplementary Planning Document 2012 in the same respect and with the National Planning Policy Framework where it seeks to achieve well-designed and beautiful places.

Other consideration

7. The appellant states that if this appeal is unsuccessful, they will look to undertake a similar extension using permitted development rights. This would take the form of a separate front porch and side extension, without the wrap-around section. They also highlight that a side extension could, under permitted development rights, be considerably wider than what they currently propose, and a porch could be larger in size. The Council seemingly does not dispute that an alternative development would be possible as permitted development, and indeed they suggested to the appellant during the course of the planning application that this is a route that they could consider pursuing.
8. In order to establish whether a fallback position is a material consideration, the courts have set out there should be a greater than a theoretical possibility that the alternative development might take place, or in other terms a real prospect of the fallback being implemented. It seems clear to me that the appellant is actively seeking to extend their dwelling to meet their current needs, and they have gone through the process of submitting a planning application and this appeal with that aim in mind. Although the Council makes reference to the appellant having stated that what could be achieved under permitted development rights would not meet their needs, faced with the alternate option of no new floorspace I am satisfied that there is a real prospect that they would utilise permitted development rights. This is consistent with the position they set out in their Statement of Case.
9. The principal effect of building a porch to the front and an extension to the side would be the same as the effect from building the proposed development, in that the appearance of the host dwelling and the symmetry of the row of semi-detached dwellings would be disrupted and visual harm would be caused. The impact would be the same as the appeal proposal in that scenario. Furthermore, what is proposed is modest in scale and there would be a greater

visual impact if a wider side extension and/or a larger porch were built instead. There would appear to be a distinct possibility of that occurrence with the side extension in particular, as there would be likely to be some need to compensate for the loss of floorspace that would have been provided by the wrap-around section. This means that it is entirely possible that what might be built under permitted development rights would have a more harmful visual impact than the appeal proposal.

Planning Balance

10. I have found that there would be a conflict with the development plan due to the impact on the character and appearance of the host dwelling and the street scene that would arise. However, for the reasons I have set out the fallback position carries significant weight in support of the development, in particular as there is a real prospect that it would be implemented, and it would have the same or potentially a more harmful visual impact than the appeal proposal. This consideration justifies the permitting of a development that fails to accord with the relevant policies of the development plan.

Conditions

11. Conditions setting out the period to commence development and the approved plans are required to provide certainty. Due to the prominent location of the proposal, it is necessary to impose a condition requiring the use of matching facing materials, in the interests of providing an acceptable visual finish. There is no apparent intention to provide windows in the side elevation of the proposal and in any event such windows would be at ground floor level, offset from the common boundary and would not directly face the adjacent dwellinghouse. The condition suggested by the Council with regard to the future insertion of such windows is therefore not necessary.

Conclusion

12. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR