



Appeal Decision

Site visit made on 5 March 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Appeal Ref: APP/N4720/D/23/3334569

4 Smithy Lane, West Ardsley, WAKEFIELD, WF3 1QG

- 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 Mr & Mrs Rall against the decision of Leeds City Council.
 - The application Ref is 23/04201/FU.
 - The development proposed is alterations to roof to form habitable first floor accommodation with two front dormers. Erection of single storey front extension and single and part two storey rear extensions with associated internal and external works. Erection of outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of the occupiers of 2 Smithy Lane, having particular regard to outlook and light,
 - the living conditions of the occupiers of 6 Smithy Lane with regard to privacy, and
 - the health of trees.

Reasons

Character and appearance

3. The existing property at 4 Smithy Lane (No. 4) is a modest detached bungalow with a large rear garden, which sits within a group of four similar properties. No. 4 differs from the adjacent bungalows in that it has a hipped rather than gabled roof, but aside from that, the four bungalows are broadly consistent in appearance, with a similar front building line, eaves and ridge heights. The bungalows are all of a simple design, and appear as a cohesive group, in an area of predominately semi-detached houses.
4. Properties in the vicinity of the appeal site generally have simple roof forms, and the proposed gabled roof would be consistent with those of the adjacent bungalows. However, the proposed increase in roof height by around 1.2m, together with the incorporation of front dormers, would result in the extended

dwelling appearing more prominent in the street, disrupting the existing harmony which exists between the group of four bungalows.

5. Dormer bungalows are not a particularly common feature in the surrounding area, but there are examples close by, notably 10 and 12 Smithy Lane (Nos. 10 and 12). Whilst these properties provide a precedent for front dormers here, the use of the roof space at No. 4 to create an additional storey would result in a significant increase in the depth of the front roof compared with the main elevation. I acknowledge that the overall ridge height would be lower than that of Nos. 10 and 12, but those properties are of a different design. The proposed changes to No. 4 would result in the roof appearing overly bulky and the house 'top heavy'.
6. When viewed from Smithy Lane, the extended dwelling would no longer relate well to its immediate neighbours. Rather, it would appear out of character in its setting, with the difference in height between No. 4 and 6 Smithy Lane being exacerbated by the position of the dwellings on a slight incline. The result would be to cause harm to the character and appearance of the area.
7. The Council has previously accepted that a single storey rear extension with a depth of 6.5m could be constructed at the appeal site under permitted development rights. However, the overall scale of the rear extension now proposed is significantly greater than that which could be built using those rights. The increased roof height, combined with the part one, part two-storey rear extension, would result in a very substantial increase in the scale and mass of the house.
8. The extended rear roof would be visible from Smithy Lane through the gaps between the buildings, as well as from the surrounding houses. As a result of the proposed extensions, the dwelling at No. 4 would appear out of scale with its immediate neighbours. Its appearance and complex rear roof form would no longer respect the simplicity of the properties which characterise this area.
9. The appellant has referred to an upward extension which has been approved nearby at 39 Haigh Moor Road. However, that dwelling is some distance away, and is not seen in the same context as the appeal property.
10. I acknowledge that the built form which would result from the proposed development would cover less than 50% of the plot. Nonetheless, with a length of some 18.5m, the proposed outbuilding would be a large building, which would occupy a significant portion of the garden. I note that a Certificate of Proposed Lawful Development has previously been granted for an outbuilding of a similar footprint, but that would be considerably lower, with a ridge height of some 2.6m, rather than the 4.5m now proposed.
11. Although it would not be readily visible from the street, from surrounding properties the large outbuilding would be seen in the context of the extended dwelling at No. 4. The extent of development proposed would result in a loss of the existing open area of greenery which the garden provides. This would detract from the spacious character of the area, as experienced by occupiers of the surrounding properties.
12. When taken together, I conclude that the proposed extensions and outbuilding would cause harm to the character and appearance of the area. The proposal would not respect the scale and form of the original dwelling or the character of

surrounding buildings, so would not comply with Policy P10 of the Core Strategy (amended 2019) or saved Policy BD6 of the Leeds Unitary Development Plan 2006 (UDP). As it has not resolved design considerations, the proposal would also conflict with saved UDP Policy GP5.

13. For similar reasons, the proposal would fail to comply with the detailed guidance for extensions and alterations contained in Policy HDG1 of the Householder Design Guide Supplementary Planning Document 2012 (SPD). That document requires that development should respect the scale, form, proportions, character and appearance of the main dwelling and locality, with particular attention being paid to the roof form and roof line.

Living conditions – 2 Smithy Lane

14. The appeal property is sited to the south of its immediate neighbour at 2 Smithy Lane (No. 2). The appellant has provided modelling illustrations to show that any overshadowing from the proposed development would be limited, but it is not clear what times of day the drawings refer to, and the illustrations provide only a partial picture.
15. I am satisfied that, owing to the relative orientation of the dwellings at Nos. 2 and 4, and the presence of existing buildings along both sides of the boundary, the proposed extension to No. 4 would not result in any significant loss of light to the kitchen window in the annex of No. 2.
16. The proposed outbuilding would be slightly offset from No. 2's kitchen window, which would still receive some direct sunlight. Even so, its height and proximity to the shared boundary means that the substantial outbuilding would harmfully reduce the amount of natural light and direct sunlight to the neighbour's kitchen and rear garden, particularly when the sun is low, during the autumn and winter afternoons.
17. The proposed outbuilding would be sited very close to the shared boundary with No. 2, and would extend for over half of the length of the neighbour's rear garden. Owing to its length and height, the proposed outbuilding would result in an increased sense of enclosure to the rear garden of No. 2, with a significant loss of openness that the existing garden provides. This would harmfully detract from the ability of the occupiers of No. 2 to enjoy their outdoor space.
18. I acknowledge that the dormer bungalow at No. 12 is higher than the surrounding bungalows and has an overshadowing impact to part of the garden of No 4. However, the house at No. 12 is not as long as the proposed outbuilding, and much of the garden at No. 4 will still receive sunlight. The existing overshadowing caused by the house at No. 12 does not give a reason to allow the proposed outbuilding, which would cause harm for the reasons set out.
19. Overall, owing to its height, length and position adjacent to the boundary, the proposed outbuilding would cause harm to the living conditions of the occupiers of No. 2 with regard to outlook and light. As it would result in a loss of amenity, this element of the proposal would fail to meet the requirements of saved UDP Policy GP5. It would also conflict with Core Strategy Policy P10, which requires that development protects residential amenity, through high quality design that

protects and enhances useable space, with satisfactory penetration of sunlight and daylight.

20. For similar reasons, there would be conflict with Policy HDG2 of the SPD, and with paragraph 135 of the National Planning Policy Framework (the Framework), which requires a high standard of amenity for existing users.

Living conditions - 6 Smithy Lane

21. The submitted drawings show a roof terrace at first floor level on the extended dwelling. This would be closest to 6 Smithy Lane (No. 6), but any potential overlooking and loss of privacy to the rear garden of that adjacent property would be limited by the presence of existing buildings in its rear garden, which would provide screening.
22. Furthermore, the appellant has commented that a 1.8m obscured screen would be installed to prevent overlooking to the rear garden of No. 6. If the scheme was otherwise acceptable, this could be secured by a condition.
23. In light of the above, I am satisfied that the proposal would not cause unacceptable harm to the living conditions of the occupiers of No. 6 through loss of privacy. In this regard, there would be no conflict with the requirements to protect amenity contained in Core Strategy Policy P10, saved UDP Policy GP5 and SPD Policy HDG2.

Trees

24. A line of mature trees straddle the shared boundary between Nos. 2 and 4. These trees contribute to the green character of the area and are an attractive feature, which will also have biodiversity value.
25. Owing to the proposed siting of the outbuilding close to the shared boundary, there is the potential for the foundations to damage the roots, and therefore the long-term health, of the closest trees.
26. The appellant has explained that the structural engineer appointed to work on the project has liaised with a tree surgeon, who identified that only 1 tree would be affected, and that precautions would be taken when constructing the foundations so as not to damage the trees. That may be the case, but no evidence has been provided as part of the appeal to show the position of the trees in relation to the outbuilding, or to identify root protection zones.
27. In order to protect trees and avoid future conflict as trees grow, the Council has produced 'Guideline Distances from Development to Trees' (revised 2021), but there is no indication as to whether this guidance would be met. In the absence of information to clearly show which trees would be affected and how they would be protected, I am unable to conclude that the proposal would not cause harm to the health of the trees.
28. Consequently, the proposal fails to comply with Core Strategy Policies P10 and P12, which require that development protects natural site features; the visual amenity of the area and the character, quality and biodiversity of Leeds' townscapes. Considerations regarding landscaping have not been fully resolved, so the proposal would not comply with saved UDP Policy GP5 either.

Other Matters

29. The appeal scheme would enable the existing bungalow to be improved and made more energy efficient, as well as providing additional multi-generational living space. This would undoubtedly be of benefit to the appellant and their family, but these factors are not sufficient to overcome the harm that would be caused to the character and appearance of the area, the living conditions of No. 2, or the potential for damage to the long-term health of trees.
30. Whilst I have identified no harm to the living conditions of No. 6, this is a neutral factor in the planning balance.

Conclusion

31. For the reasons set out, the proposal would be unacceptable and would fail to comply with the development plan and the Framework. The appeal is therefore dismissed.

R Morgan

INSPECTOR