



Appeal Decision

Site visit made on 26 February 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2024

Appeal Ref: APP/N4720/W/23/3334736

11 Rosebery Street, Pudsey, Leeds LS28 7JZ

- 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 J Petty against the decision of Leeds City Council.
 - The application Ref is 23/04367/FU.
 - The development proposed is renovation and remodel of the existing dwelling and new end of terrace extension to form a new 3 bedroom 5 person dwelling with associated landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form and decision notice refer to the site address being Roseberry Street, but it is clear from the appellant's appeal form and street signage that it is Rosebery Street. For clarity I have used the address on the appellants appeal form in the banner heading.
3. It was apparent during my site visit that some works have commenced, namely, demolition of the single storey outrigger to the side and alterations to the roof. However, any breaches of planning control do not fall within my assessment of the appeal scheme, which has been decided on the basis of the existing and proposed plans that were submitted with the planning application, and consulted upon by the council.
4. The description of the development on the application form is set out above. Whilst the description on the decision notice and the appellant's appeal form are the same, they do differ from that above. The descriptions are 'construction of new end of terrace dwelling with associated landscaping works; alterations to existing dwelling including roof works, windows, doors and access stairs.' This is a more accurate description of development and I have therefore determined the appeal on this basis.
5. The appellant has requested that I consider changes which were not before the council when it took its decision. These changes relate to bedroom two and reduces the occupancy level from a double to a single room. As the amended plans do not involve a substantial difference or fundamental change to those considered by the council, I am satisfied there would be no procedural unfairness to anyone involved in the appeal, including those consulted on the original application. Accordingly, I have assessed the proposal on the basis of the amended drawing.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area; and
- whether the proposed development would provide adequate living conditions for the intended future occupiers with particular regards to private amenity space.

Reasons

Character and appearance

7. The appeal site relates to part of 11 Rosebery Street (No 11) and encompasses the land to the side. No 11 is an end of terrace two-storey dwelling, which is dual fronted. It is accessed from the front by Rosebery Street, via a unsurfaced road leading from Cemetery Road, and which provides access to a small number of properties, leading on to High Owlcotes Farm. The orientation of No 11 and condition of the road results in the front of the property appearing to be semi-private. The rear is bound by the more formal road of Highfield Street. 5 Rosebery Street (No 5) is situated to the opposing end of the terrace within which No 11 is situated. Whilst it appears to have been extended, spacing has been retained between its gable and the gable of Nos 3 and 4 Rosebery Street resulting in a balanced appearance to the terrace.
8. The overall footprint of the proposed dwelling would extend across the majority of the side garden of No 11, with only a minimal space between the gable of the proposed dwelling and the boundary with 13 Rosebery Street (No 13). The separation between the gables provides deliberate visual and spatial relief within the terrace. Despite submitted plans showing that No 11 had a single storey outrigger to the gable, this appeared to be subordinate in scale in height and width. This subordination would have assisted in maintaining the visual break between both its immediate context but also within the surrounding area.
9. I note that there is no dispute with regards to the overall design of the proposed development. There is however dispute regarding its size and scale within the plot which would in a reduced the distance to the boundary. The council has not pointed me to a specific section of the lengthy Supplementary Planning Guidance – Neighbourhoods for living – A Guide for Residential Design in Leeds 2003 (SPG) regarding distances to boundaries. The officer's report does however contain distances which are consistent with those the appellant has drawn my attention to. The section of the SPG which refers to distance relates to Privacy and Intrusion. The supporting text stipulates that these distances should be regarded as the minimal requirement for flat sites in suburban areas with conventional windows. Given that the separation distance between the rear elevation with Highfield Street would remain similar to the remaining terrace, and that there are no windows within the main gable elevations of either Nos 11 or 13, I do not agree that these specific distances are applicable in this circumstance.
10. The SPG outlines that development should meet the changing needs of people without over intensifying usage to the extent the local character is inappropriately changed. This is reflected in Policy P10 of the Leeds Core

Strategy (as amended by the Core Strategy Selective Review 2019), Leeds Local Plan (Local Plan) which seeks, amongst other matters, for new development to be based on a thorough contextual analysis and provide good design that is appropriate to its location and scale.

11. The proposed development would infill the majority of the space between No 11 and No 13, elongating the terrace. This would erode the visual relief between the buildings, significantly reducing the overall spaciousness within the street, and result in the proposed development appearing discordant within its immediate context.
12. The appellant refers to variations in plot sizes and separation distances between each dwelling, drawing my attention to Nos 11, 13 and 14 Highfield Street (Nos 11, 13 and 14). Whilst the gable of No 11 is set on the boundary with No 13 and given the pronounced difference in heights between the two properties, there remains a scene of openness within the wider streetscene. Furthermore, despite the gable of the single storey outrigger to No 14 being set on the boundary, this creates a step between the gable of the main dwelling retaining a sense of visual relief within its immediate context. Given that Nos 11 and 13 are two storeys, and the proposed development would significantly reduce the existing separation with No 13, such circumstances are not directly comparable.
13. I conclude that the proposed new dwelling would have a harmful effect on the character and appearance of the surrounding area. The development would be contrary to Policy P10 of the Local Plan, Policy GP5 of the Unitary Development Plan Volume 1 – Written Statement 2006 (UDP Vol:1), and Policy BD5 of the Unitary Development Plan Volume 2: Appendices 2006 (UDP Vol:2), which collectively seek to ensure development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality. There would also be conflict with the council's Supplementary Planning Guide – Neighbourhoods for Living – A Residential Design Guide (SPG) which seeks, amongst other matters, for development to reinforce the positive aspects of the locality.

Living Conditions

14. The gardens associated with the proposed dwelling would be similar to the resultant gardens of No 11 and the existing mid-terraced properties to which No 11 is attached.
15. The council contend that the proposal would be contrary to the SPG, which specifies that as a general guide private gardens for family homes should have a minimum of 2/3 of the total gross floor area of the dwelling and provide adequate outdoor private space. The overall size of the proposed garden area would fall below this figure and the boundary on the submitted plans does not demonstrate that the rear garden would be private. Given that the proposed garden area would mirror the adjoining terrace in both size and boundary treatment, I do not consider that the overall size of the garden or lack of privacy would be harmful to the living conditions of future intended occupiers.
16. I conclude that the proposed dwelling would provide adequate living conditions for the intended future occupiers with particular regards to private amenity space. There would be no conflict with Policy P10 of the Core Strategy, Policy GP5 of the UDP – Vol:1 or Policy BD5 of the UDP – Vol:2, which collectively

seek to ensure that new development protects the residential and general amenity of the area through high quality design that protects and enhances useable space and privacy.

Other Matters

17. Whilst the design of the dwelling is a positive aspect, it does not outweigh the harm which I have found in terms of the impact on the character and appearance of the street.

Planning Balance and Conclusion

18. The appeal proposal would create one new house, supporting the Government's objective of significantly boosting the supply of homes. Increasing housing numbers and matters of good design are not mutually exclusive. Even though the proposal would provide adequate external amenity space for future intended occupiers, the proposal would be harmful to the character and appearance of the surrounding area. As such the benefits would not outweigh the harm.
19. The proposal conflicts with the development plan taken as a whole, and there are no material considerations that lead me to find other than in accordance with it. For the reasons given above the appeal should be dismissed.

L Clark

INSPECTOR