



Appeal Decision

Site visit made on 7 May 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal Ref: APP/N4720/W/24/3337591

84 Lidgett Lane, Gledhow, Leeds LS8 1LQ

- 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 S Pinnu against the decision of Leeds City Council.
 - The application Ref is 23/05814/FU.
 - The development proposed is demolition of existing dwelling and construction of new detached dwelling, new hardstanding area to the front, new and altered boundary treatments, and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the decision notice which accurately describes the proposal.

Main Issues

3. The main issues are the effects of the proposal on:
 - The street scene within Lidgett Lane;
 - The living conditions of the occupiers of No 3 Roper Lane with particular reference to outlook and shadowing effects of the garden; and
 - The living conditions of the future occupiers of the proposed dwelling with particular reference to outlook and natural light.

Reasons

Street scene

4. The appeal property is a detached bungalow located on a long street including, amongst other things, a variety of predominantly two storey dwellings. The bungalow sits on an elevated position above and set back from the footway. It forms a small group of properties between The Drive and Roper Avenue that are also set back from the footway.
5. Due to the orientation of the buildings and the alignment of the road, there is a somewhat staggered building line. Nonetheless, the consistent spatial pattern of buildings, set back from the street, with front gardens in between contributes positively to a pleasing, soft and open quality to the street scene.
6. The proposal would result in a dwelling that would appear strikingly close to the footway. In this regard it would erode the open qualities and would appear an

overtly imposing building in the street scene, which would fail to harmonise with the spatial pattern of houses.

7. The absence of harm in relation to other aspects of the design does not outweigh my concerns in relation to the forward positioning of the building toward the footway. Moreover, whilst the low height of the existing bungalow is at odds with the prevailing height of the nearby properties, its low height does not dominate or detract in the street scene.
8. I therefore find that the proposal would have a harmful effect on the street scene within Lidgett Lane. As such, I find conflict with the requirements of Policies GP5 and BD5 of the Council's Unitary Development Plan (UDP), Policies P10 and P12 of its Core Strategy (CS), the guidance within the Neighbourhoods for Living a Guide for Residential Design in Leeds Supplementary Planning Guidance (SPG), and paragraph 135 of the National Planning Policy Framework (the Framework), when taken together and in so far as they relate to this main issue. These say, amongst other things, that proposals will be supported where the size, scale, design and layout of the 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.

No 3 Roper Lane – living conditions

9. No 3 Roper Lane (No 3) has a long rear garden, which extends along the rear garden of the appeal property. The proposed dwelling would be to the west of the bottom portion of the garden and north west of the portion of the garden nearest the property.
10. Although the design has sought to break up the massing of the two storey element, due to its length and proximity to the common boundary, it would be an unduly dominant feature. The proposed dwelling would be to one side of the rear garden, leaving the rear and other side more open. Even so, the extent of its massing above the ground floor would cause unacceptable harm to the outlook within the garden.
11. Although not quantified by either party, given the orientation of the proposed dwelling it would likely reduce the amount of late afternoon and evening sunlight within the garden. The absence of overshadowing during other parts of the day or other areas of the garden does not weigh in favour of the scheme but does moderate the extent of harm. Nonetheless, taken with the dominance of the building, the proposal would unacceptably harm the enjoyment of the rear garden of No 3.
12. The first floor windows comply with the minimum distance to the boundary set down in the SPG. However, the SPG advises that it is inappropriate to apply the guidelines without further consideration of local character. Moreover, my concerns are not the relationship of the windows to the boundary but the massing of the building due to its length and height.
13. I therefore find that the proposal would have a harmful effect on the living conditions of No 3 with particular reference to outlook and overshadowing of the garden. As such, I find conflict with the requirements of Policies GP5 and BD5 of the UDP, Policy P10 of the CS, the objectives of the SPG, and the provisions within paragraph 135 of the Framework, when taken together and in

so far as they relate to this main issue. These, amongst other things, seek to secure a high standard of amenity for existing residents.

The proposed dwelling - Living conditions

14. The Council's SPG advises that ground floor main windows should be 10.5m from boundaries. The proposal would not accord with these distances. From the front, the lounge would be close to its front boundary. The proposed side window to the lounge would not have a positive outlook due to the distance to the boundary but would offer some modest natural light to the rear of the room. However, the room would also be served by three windows to the front and the dwelling would be elevated above the road, giving an open aspect beyond the boundary.
15. To the rear, the distances would not be that dissimilar to the existing bungalow with only the informal dining room and a utility room being closer to the rear boundary at the ground floor. Considering the existing views and the large amount of glazing proposed at the ground floor throughout the property I do not consider the outlook or access to natural light to be unacceptable.
16. I therefore find that the proposal would not have an unacceptable effect on the living conditions of the future occupiers of the proposed dwelling with particular reference to outlook and natural light. As such, although the proposal would be at odds with the guidance within the SPG, I do not consider that it would conflict with the requirements of Policies GP5 and BD5 of the UDP, Policy P10 of the CS or the provisions of the Framework, when taken together and in so far as they relate to this matter. These seek, amongst other things, to secure a high standard of amenity for future users.

Other Matters

17. My attention has been drawn to a previous appeal decision at the site (Ref: 3294491) and other previous applications at the property. Changes have been made to the design following these decisions and therefore whilst I have had regard to them, I have reached my own conclusions based on the appeal scheme plans and evidence before me.
18. Plans showing potential options to extend the existing dwelling under permitted development rights have been provided with the submission. However, from the evidence before me, they do not result in the built form extending to the front boundary as much, or having a similar scale and massing, as the appeal proposal. In this regard, the effects on the street scene and on the living conditions of the occupiers of No 3 from these potential options would not be as harmful as the proposal before me.

Conclusion

19. To conclude, the proposed development would conflict with the development plan as a whole and there are no material considerations, which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Mr R Walker

INSPECTOR