



Appeal Decision

Site visit made on 17 April 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/N4720/D/24/3341077

32 Walton Chase, Thorp Arch, Wetherby, Leeds LS23 7RA

- 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 Ms L Hill against the decision of Leeds City Council.
 - The application Ref is 23/06831/FU.
 - The development proposed is loft conversion, rear single storey extension and part garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for proposed loft conversion, rear single storey extension and part garage conversion at 32 Walton Chase, Thorp Arch, Wetherby LS23 7RA in accordance with the terms of the application, Ref 23/06831/FU, dated 12 November 2023 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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; existing and proposed block plans, drawing 003; and proposed plans, elevation and section, drawing 002/A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The development proposal is for a single storey rear extension, part garage conversion and loft conversion. The Council refused the application with regard to the loft conversion. This is the basis on which I shall determine the appeal.
3. Permitted development rights¹ for extensions² and for internal alterations to convert the garage³ have been removed at No 32 Walton Chase.
4. A previous application⁴ was refused for a single storey rear extension including alterations to create new openings to convert part of existing garage to form new utility room and dormer window to the rear.

¹ Town and Country Planning Planning (General Permitted Development) (England) Order 2015.

² 31/191/97/FU

³ 31/83/98/FU

⁴ 23/02650/FU

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the host building and the surrounding area.

Reasons

6. Walton Chase is a modern estate of brick, terraced, semi-detached and detached housing. The houses have differing but often repeating designs, commonly with gable features and box bays to the front and triangular oriel windows.
7. The appeal property is a detached dwelling in a small cul-de-sac. It has an attached single garage which is set back so that it extends beyond the rear elevation of the dwelling into the back garden. On the other side of the property, a detached garage for No 34 Walton Chase forms the boundary, together with wooden fencing. The rear garden, which is grassed and has flower beds and bushes, overlooks a large sports ground.
8. The dormer would be inset from the eaves and sides of the roof, as well as being just below the apex of the roof. It would have tiles on the external surfaces so would be sympathetic to the existing roofscape. Whilst it would dominate the rear roof slope, the appeal site is located within a corner of the estate. Therefore, it would only be visible from No 34, and the sports field to the rear, with some limited visibility from the rear gardens of No 30 and 28.
9. The parties state that there is only one rear dormer on a property in the estate which means that roofs are largely clutter free. However, the site is not in a conservation area and the location of No 32 within the estate means that the rear roof slope would not be highly visible, either from the front of the house or from the majority of the estate. Although the dormer would be large, and there would be some conflict with the Council's Householder Design Guide Supplementary Planning Document, 2012, (SPD), it would have a minimal effect on the streetscene and would be acceptable in this location on the rear elevation.
10. Therefore, to conclude, the proposed development would not harm the host building and the character and appearance of the surrounding area. It would not conflict with the design aims of Policy P10 of the Leeds City Council Core Strategy (amended 2019), Policies GP5 and BD6 of the Leeds City Council Unitary Development Plan (Review 2006) and Policy HDG1 of the SPD.

Other Matters

11. The Council consider that allowing the dormer would set a precedent for other dormer extensions in the area. This is because the estate was constructed some years' ago and there is only one existing rear dormer extension. However, there is no substantive evidence provided as to whether this is a result of permitted development rights being removed from properties on the estate, or whether occupiers have not chosen to build such extensions. Allowing this appeal does not, however, lead me to consider that it would set a precedent for further rear dormer extensions in this locality.
12. The proposed dormer would have two windows at the rear. The Council considered that the proposal would not cause harm with regard to overlooking. I have no reason to disagree with the Council's view on this.

Conditions

13. In imposing the conditions, I have had regard to the tests for planning conditions in paragraph 56 of the National Planning Policy Framework and the Planning Practice Guidance. In this respect there is a need for the standard implementation condition and a condition listing the plans to which the proposal should accord. To ensure the satisfactory appearance and form of development, a condition ensuring that the materials match the existing house is necessary.

Conclusion

14. For the reasons given above and having considered all other matters raised including the development plan as a whole, the appeal is allowed.

M J Francis

INSPECTOR