



Appeal Decision

Site visit made on 25 June 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/N4720/D/24/3341435

Ronan Croft, 11 Rockwood Road, Calverley, Pudsey, Leeds LS28 5AB

- 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 Singh against the decision of Leeds City Council.
 - The application Ref is 23/00705/FU.
 - The development proposed was originally described as new first floor to bungalow to form house.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Notwithstanding the description of development above, which is taken from the application form at Section E of the appeal form it is stated a different description of development has not changed but, nevertheless, a different wording has been entered. It is clear from the plans and accompanying details that the development comprises alterations including new first floor, single storey extension to garage and two storey extension to front entrance to bungalow. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues are (i) the effect on the character and appearance of the host dwelling and wider area; and (ii) the effect on the living conditions of neighbouring occupiers, with regard to privacy.

Reasons

Character and appearance

4. Ronan Croft is a detached bungalow situated within a substantial plot within a predominantly residential area. The immediate street scene is mostly characterised by two storey detached dwellings with a variety of designs, styles and materials set within large plots with many appearing to have had extensions and alterations over time. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local verdant and spacious character.
5. The Leeds City Council Householder Design Guide Supplementary Planning Document, 2012 (SPD) sets out guidance at HDG1 that all extensions, additions, and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and will resist those which harm the character and appearance of the main dwelling or locality.

6. The proposed extensions and alterations would introduce a substantial addition to the existing host property currently being of simple design and a modest sized single storey dwelling. It would have a modern design but would be disproportionately large having an unacceptable impact on the appearance and proportions of the building. Although the extensions would add little to the existing footprint, it would result in almost double that of the existing dwelling in terms of floor area and would not be subservient in appearance or address the overall dominating effect it would have on the host dwelling.
7. Despite matching materials proposed, the disproportionality is further exacerbated by the poor design of the mix and match of roof forms introduced at both first and second floor level being a contrast of hipped and gable roof forms. The gable roofs are set at different ridge heights and lack consistency to the principal elevation resulting in several different roof types, and multiple stepped forms, overall fragmenting the design which results in both harm to the host property and views which are afforded from the immediate area.
8. The proposed window details are excessive on all elevations with no consistency and the front gable windows being overcome by the roof form. The projecting bay window and the off-centre atrium paying little attention to the character of the existing bungalow. Thus, adding to the already discordant design.
9. The proposed extensions and alterations would introduce a poor form of design, creating an incongruous two storey dwelling. I accept that it is set back within the plot with limited views until entering the site, however the mix match of roof types, poor fenestration detail would still be seen in glimpses from surrounding viewpoints along the street scene and from neighbouring properties.
10. I have had regard to the previous appeal decisions at the site¹, whilst it appears the appellant has sought to address concerns, I have no reason to disagree with those Inspector's findings. I note there are no concerns in principle to creating a two-storey dwelling within the site, I agree. However, a scheme which lacks in good design and does not conform to development plan policies or guidance is unacceptable, including that the Framework is not without caveat that upward extensions utilising airspace should be well-designed. The appellant has referred to similar extensions, albeit limited detail, nevertheless the existence of these does not justify further harm.
11. For the reasons given above, I conclude that the proposal would result in harm to the character and appearance of the host dwelling and wider area. It would conflict with Saved Policies GP5 and BD6 of the Leeds Unitary Development Plan 2006 (UDP) and Policy P10 of the Leeds Core Strategy, 2019 (CS). These policies amongst other matters seek good design appropriate to its location, and that alterations and extensions should respect the scale, form, detailing of the original building.
12. In addition, it would be contrary to the guidance set out at HDG1 of the SPD, as set out above. It would conflict with the Framework which seeks at section 12 to create high quality, beautiful and sustainable buildings and places, whereas at paragraph 139 it states development that is not well designed should be refused, especially where it fails to reflect local design policies.

¹ APP/N4720/D/13/2194698 & APP/N4720/D/13/2203168

Living conditions

13. The proposal incorporates several windows at first floor on the west and east elevation. These are mostly single pane windows apart from one and would serve either en-suites or bathrooms. The plans are not annotated to suggest that windows would be obscure, however I agree with the parties that windows could be obscured through appropriately worded conditions.
14. However, there is nothing before me to suggest that these windows would not be opened even if obscured, particularly the dual window. Therefore, this has the potential to cause some degree of overlooking and loss of privacy into the residential gardens of neighbouring occupiers if those windows were opened. I appreciate that non-opening windows could be secured through appropriately worded conditions, but without any certainty I cannot be satisfied from the information before me it would overcome any harm to privacy.
15. For the reasons given above, I conclude that the proposed development causes harm to the living conditions of neighbouring occupiers in regard to privacy. It would conflict with UDP Saved Policy GP5 and Policy P10 of the CS, these policies together, amongst other matters require development proposals to protect and avoid loss of amenity. It would also be at odds with guidance in the SPD, Policy HDG2 which requires proposals to protect the amenity of neighbours and be in conflict with the Framework in providing a high standard of amenity for existing and future users.

Other Matters

16. Interested parties have raised concerns over the presence of bats, however I have no evidence to support that protected species would be harmed or that they are present in the area. I have therefore not considered this matter further.
17. In relation to other matters raised including highway safety, parking, construction noise, disturbance, drainage, future changes of use of the property, outlook and loss of light. I have no evidence to support these concerns, and I note the Council did not raise these as reasons for refusal. In addition, the proposal would be of sufficient distance to the common boundaries, set in at first floor and would prevent overshadowing or over dominance to neighbouring garden areas and properties. Suitably worded conditions could address parking and protected trees on the site during construction. Nevertheless, these do not weigh in favour of the proposals and are a neutral consideration to my findings.

Conclusion

18. The proposal conflicts with the development plan and the Framework, taken as a whole and there are no other material considerations, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

KA Taylor

INSPECTOR