



Appeal Decision

Site visit made on 2 July 2024

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/N4720/D/24/3342202

3 Lay Garth Square, Rothwell, Leeds LS26 0TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Hayes against the decision of Leeds City Council.
 - The application Ref 23/07211/FU, dated 29 November 2023, was refused by notice dated 13 February 2024.
 - The development proposed is single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the site visit, I observed that works had been undertaken to the side of the existing garage building and on the site of the proposed extension that is the subject of this appeal. For clarity and the avoidance of doubt, I have considered and determined the appeal based on the proposed plans and the evidence submitted and my site visit.
3. I was unable to view the proposed development from the garden at 9 Lay Garth Close (No.9) during my visit. However, I was able to gain views of the host property in relation to No.9 from the public highway on Lay Garth Square and from Lay Garth Close to the side of No.9. This, in conjunction with the plans and evidence submitted, is in my assessment sufficient to fully consider and determine this appeal in relation to the main issues.
4. An appeal for non-determination of an application in relation to a similar proposal at the appeal site has previously been made and determined. Whilst I have been made aware of the outcome of that appeal, I have considered the appeal proposal before me on its own merits and on the evidence that has been provided.
5. For clarity, although the description of development is a single-storey side extension, as with the previous appeal development, it is clearly evident that the proposal seeks to provide an additional single garage unit to the host property.

Main Issues

6. The main issues are the effect of the proposed development on
 - the character and appearance of the host property and surrounding area; and
 - the living conditions of neighbouring occupiers at 9 Lay Garth Close with regard to outlook and a sense of enclosure.

Reasons

7. The host property is located on a corner plot in a cul-de-sac within a small housing estate and is one of the larger properties in the cul-de-sac. The wider setting features dwellings of a similar design and appearance with consistent materials and colours used. Most properties in the area have single-storey garage extensions which are proportionate in scale to the main dwellings and mostly to the side of the front elevation of the property. The proposed extension relates to the construction of a single garage unit which would further extend an existing protruding single-storey extension from the front elevation of the host property. It would be constructed from brick with concrete interlocking pantiles which would match the materials and appearance of the host property.

Character and Appearance

8. Section 12 of the National Planning Policy Framework (the Framework) emphasises the need for well-designed and beautiful places through good design. Policy P10 of the Leeds Core Strategy 2014, along with Policies GP5 and BD6 of the Leeds Unitary Development Plan (UDP) Review 2006 seek to ensure that development is contextually appropriate and does not result in harm to visual amenity amongst other things. Policy HDG1 of the Council's Householder Design Guide (the Design Guide) also provides further advice on good design in this respect.
9. I have had regard to the fact that the appeal site is directly adjacent to the Rothwell Conservation Area. Whilst this is the case, the proposed extension relates to alterations at the front of the host property solely and it would not be visible at all from the Conservation Area. As a result, it is my assessment that the proposal would have no detrimental impact on the Rothwell Conservation Area.
10. The proposed extension would result in an overall single-storey extension from the front elevation of the host property of around 13.5 metres. In noting that the proposed extension would be constructed on land which previously formed part of the plot of a neighbouring property at 2 Lay Garth Square (No.2) which has now been acquired by the appellant, I find that the spatial relationship between the two properties has now altered. The proposed extension would result in a single-storey forward protruding structure that would be significant in length, spanning almost the entire width of the now extended plot and would effectively meet the new boundary with No.2.
11. In my assessment, despite being set back from the cul-de-sac highway, this scheme would have a dominant and disproportionate appearance in the street scene of Lay Garth Square in terms of the design, scale and massing of the extension overall. This would result from its excessive extent, length and appearance in relation to the host property and its plot. The adverse impact on the character and appearance of the host property and local area would be further demonstrated by the proposed triple garage doors where all other properties in the street, as I observed, have no more than double garage doors. Whilst I note that other nearby properties do have protruding single-storey garages, these do not reach to the extent of the proposal before me and are of an appropriate scale, massing and proportion to their respective properties and plots.
12. In light of this assessment, I find that the proposal would not appear subservient or proportionate in scale to the host property and would, in fact, be dominant in its appearance. As such, it would not be in keeping with the scale of development evident in similar properties found in the surrounding area. Nor would it be in keeping with the predominant character and appearance of those other properties.
13. Consequently, I conclude that the proposed development would have a significant detrimental effect on the character and appearance of the host property and surrounding area. Therefore, it is contrary to Policy 10 of the Leeds Core Strategy 2014, Policies GP5 and BD6 of the Leeds UDP Review 2006, Policy HDG1 of the Council's Design Guide and the relevant sections of the Framework relating to good design.

Living Conditions

14. Policy GP5 of the Leeds UDP Review 2006 sets out that development proposals should protect amenity. This is expanded upon further by Policy HDG2 of the Design Guide which says that all proposals should protect the amenity of neighbours. Furthermore, the policy states that proposals which harm existing residential amenity through excessive over dominance, overshadowing or overlooking are to be strongly resisted.
15. The host property occupies a site that is at the end of a cul-de-sac within a small estate of similar housing and layout. The rear elevation of the proposed extension faces towards the rear elevation and garden of 9 Lay Garth Close (No.9). This neighbouring property lies approximately northwest of the appeal property and in close range to it, having only a short rear garden. The property at No.9 is also at a lower ground level than the appeal site and host property.
16. The extensive front extension of the host property runs along the shared boundaries with No.9 and 8 Lay Garth Close. This presents a lengthy single-storey side elevation facing those neighbouring properties. The proposed scheme in this appeal would continue this extension solely along the shared boundary with No.9 for a further distance in excess of four metres.
17. Whilst the proposed extension would only stand at single-storey height and have a hipped roof, it would be close to the shared boundary with No.9 and be visible above the boundary wall to the occupiers of No. 9 at close range. The proposal would have a ridge height of 3.4 metres, and it is noted that it would stand on a ground level above that of the garden and dwelling of No.9. As such, it would not only directly have an adverse impact in terms of narrowing the outlook from the rear of No.9 and within the rear garden, but it would also add to a sense of enclosure for the occupiers of No.9. This would be made manifest by the overall ridge height of the roof of the proposed extension appearing significantly above the existing boundary wall and the associated closing of an open aspect between the existing garage extension at the host property and the more distant rear elevation of No.2. The effect of this would be greater than a single-storey development due to the lower ground level at No.9. As such, it is evident to me that this adverse impact in relation to outlook and a sense of enclosure would be most keenly experienced by neighbouring occupiers at ground floor level within the property at No.9 and within the rear garden area.
18. For the above reasons, I conclude that the proposal would have a significant detrimental effect on the living conditions of the occupants of No.9 in terms of outlook and an increased sense of enclosure. Therefore, it is contrary to saved Policies GP5 and BD6 of the Leeds UDP Review 2006, Policy HDG2 of the Design Guide and the relevant sections of the Framework, all of which aim to protect neighbour amenity.

Planning Balance

19. The adverse impact to the residential amenity of neighbouring occupiers, as described, which would be caused by the proposed extension would result in significant harm. This harm weighs significantly against the scheme and when considered together with the harmful effects on the character and appearance of the host property and the surrounding area, I find that on balance, the cumulative harm that would result from the proposed scheme clearly and demonstrably outweighs its public benefit, to which I attribute limited weight.

Conclusion

20. Therefore, for the reasons above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A McCormack

Inspector