

Appeal Decision

Site visit made on 11 September 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/N4720/D/24/3349949

7 Adel Park Gardens, Adel, Leeds, LS16 8BN

- 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 Dr Nighat Sultan against the decision of Leeds City Council.
 - The application Ref is 24/00755/FU.
 - The development proposed is described as: 'proposal to demolish the existing conservatory to make a habitable space at the rear of the property. Proposal for 2 storey extension in its place at the rear and a storey above existing garage for a better layout and larger bedrooms on the first floor. New connection to the gardens with proposed rear elements'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on the living conditions of the occupiers of the neighbouring property, 9 Adel Park Gardens.

Reasons

Character and Appearance

3. Adel Park Gardens is a suburban cul-de-sac comprising predominantly of sizeable, detached houses occupying large plots, set back from the road with large rear gardens. Dwellings typically occupy much of the plot width, nevertheless, there are regular consistent gaps between the built form, particularly at first floor level, as attached garages to the side of dwellings typically extend close to the boundary. This regular pattern of space between dwellings contributes to a spaciousness within the streetscene, despite the sizeable width of dwellings here. Roof forms are typically dual-pitched or hipped. Residential extensions are common and these are generally subservient with a roof form that is consistent with the host dwelling.

Projecting front gables are a common and unifying feature within the streetscene along Adel Park Gardens.

4. The appeal property is a sizeable, detached dwelling. The property has a gabled front detail and a dual-pitched roof. The flat roofed side garage has a mono-pitched extension to the rear which adjoins a conservatory extension. This in turn adjoins a two storey projection to the rear. Although the side garage extends close to the boundary with 9 Adel Park Gardens, the lack of a first floor addition close to the boundary ensures that there is a gap between the appeal property and No 9, reflective of the prevailing character of the streetscene.
5. The proposal would involve extending at first floor level above the existing flat roofed garage to the existing gable of the dwelling. The proposal would have significant width and would infill the existing gap between the two storey element of the building and the boundary, in conflict with the prevailing character, eroding the spaciousness and consistency in the streetscene here. The proposal would also introduce a hipped roof, which would conflict with the dual-pitched roof form of the dwelling, at odds with its existing character to the detriment of its contribution to the streetscene.
6. The hipped roof would have a very shallow pitch compared to the host dwelling. It would also be significantly lower than that of the existing roof, creating a substantial step between it and the extension. The proposal would also have an awkward relationship with the existing front gable, sitting flush with it and being significantly wider, reducing the primacy of the gable as a feature of the dwelling. For these reasons, the proposal would be poorly related to the existing dwelling and would represent an incongruous form of development that would be at odds with the prevailing character of the area.
7. In that regard, I am mindful of the emphasis on good design set out in the National Planning Policy Framework (the Framework) as a key aspect of sustainable development. It sets out that new development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and sympathetic to local character. For the above reasons, the proposal would not constitute good design.
8. The appellant has drawn my attention to a number of extensions approved to properties nearby. I was able to view these properties on my site visit. However, from the evidence available to me, none of these previously approved extensions introduce a hipped roof to a dwelling that does not already feature this roof form. Those extensions that do include hipped roofs relate to properties that already exhibit this roof form. The majority of these extensions also maintain the primacy of the front gable as a dominant and unifying feature across properties in the area. I am therefore not convinced that these previous approvals represent a parallel with the appeal proposal.
9. For the above reasons, the proposed development would be harmful to the character and appearance of the area. It would conflict with Policy P10 of the Leeds Local Plan Core Strategy (2014) (the CS) and Saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (2006) (the UDP) which together, in summary, and amongst other things, seek to ensure new domestic extensions are of an acceptable design and respect the scale, form and detailing of the original building. For the same reasons, the proposal would

also conflict with the guidance contained within the Householder Design Guide SPD (2012) (the SPD). The proposal would also fail to accord with the provisions of the Framework, which sets out that development that is not well designed should be refused.

Living Conditions

10. The neighbouring dwelling, No 9, has a dormer roof extension within the roof slope facing the boundary of the appeal property. The two windows located within the dormer have views across the top of the flat roof of the attached garage at the appeal property, which lies close to the boundary. Whilst a portion of the view is likely to comprise of the blank gable of the appeal property, this is at a distance sufficient to allow a field of view encompassing the spaces to either side of it. Consequently, these views are relatively open and existing outlook levels from the windows here are reasonable. Similarly, and for the same reasons, the existing levels of natural daylight available to the windows at No 9 are likely to be relatively good.
11. In addition to the first floor extension above the garage, the appeal proposal would also involve the construction of a sizeable two storey extension to the rear, over the footprint of the conservatory and the mono-pitched extension. The extension above the garage would introduce a blank two storey height wall directly in front of the windows in the dormer extension at No 9 at a distance of 2.8 metres. Although set slightly further away, the proposed two storey flat roofed extension to the rear of the garage would also introduce a blank two storey wall in close proximity to the windows.
12. Owing to their scale and proximity, the proposed extensions would appear highly oppressive in views from the windows of the dormer at No 9, resulting in a significant reduction in outlook from these windows compared to the present situation. This loss of outlook would result in significant harm to the living conditions of the occupiers of No 9.
13. I acknowledge that the provision of a hipped roof to the side extension is an attempt to reduce the effect on the neighbouring property. However, given that the proposed eaves would exceed the height of the windows at No 9, this would have little effect in terms of reducing the overall effect on the outlook in views from the extension, with the bulk of the harm arising from the blank wall.
14. Given the orientation of the existing windows at No 9, facing west towards the built form of the appeal property, it is likely existing levels of direct sunlight are already reasonably low. I am therefore not convinced that the proposal would reduce direct sunlight levels to the extent that they would adversely affect living conditions.
15. Nonetheless, given the enclosing effect of the proposed extensions positioned so close to the existing windows, the proposal would noticeably reduce the levels of daylight available to the windows at No 9. This loss of daylight to the two windows would adversely affect the living conditions of the occupiers of No 9. Whilst the appellant sets out the proposal would meet the 25 degrees rule, I am not convinced by the accuracy of the drawings in that regard which do not reflect my impressions on the site visit, notably with

regard to the level of the neighbouring window in relation to the appeal property.

16. I therefore conclude that the proposed development would adversely affect the living conditions of the occupiers of 9 Adel Park Gardens with particular regard to outlook and daylight. The proposal would therefore conflict with Policy P10 of the CS, Saved Policy GP5 of the UDP, the provisions within the Framework and the guidance contained within the SPD which together, in summary, and amongst other things, seek to provide high standards of design with regard to living conditions.

Conclusion

17. The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR