



Appeal Decision

Site visit made on 9 July 2024 by I Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2024

Appeal Ref: APP/N4720/D/24/3343526

17 Broadway, Halton, Leeds LS15 0LX

- 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 & Mrs McMenamin against the decision of Leeds City Council.
 - The application Ref is 24/00680/FU.
 - The development proposed is two storey extension to side with single storey extension to rear.
-

Decision

1. The appeal is allowed and planning permission is granted for two storey extension to side with single storey extension to rear at 17 Broadway, Halton, Leeds LS15 0LX in accordance with the terms of the application Ref 24/00680/FU, 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 and details: 24-FSK-03-01 (Location & Block Plan) and 24-FSK-03-03 (Detailed Design - Proposed Elevation and Floor Plans). Notwithstanding the distance shown on the first floor plan on drawing Ref 24-FSK-03-03, the first floor front elevation will be set back from the original front elevation of the dwelling by 1.0m as per the corresponding side elevation on that drawing.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Council has drawn attention to a discrepancy between the set back distance depicted in the floor plan and elevation drawings. The accompanying officer report clarifies that the floor plan indicates a set back of 0.8 metres at first floor level, whereas the side elevation shows it would be 1.0m. The appellant's statement of case confirms the set back distance would be 1.0m. Given the clear intention of the appellant and that the difference on the respective plans is only marginal, the appeal has been assessed on the basis of the confirmed 1.0m set back and this is also reflected in the conditions above.

Main Issue

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

Reasons for the Recommendation

5. The appeal site is located within a residential area, and Broadway is predominantly characterised by pairs of two-storey, semi-detached dwellings with generous gaps between neighbouring semi-detached pairs. The appeal property reflects this character, it being a two-storey, semi-detached dwelling, set back from the road, with a hipped roof, symmetrically paired with 19 Broadway with a driveway to the side. Some of the dwellings in the area have been extended to the side. Even so, there is an overriding order and spaciousness to the street scene.
6. The Leeds City Council Householder Design Guide Supplementary Planning Document (April 2012) (the SPD) identifies that the main difficulty in relation to side extensions is in maintaining adequate spaces between buildings. The evidence before me indicates that a 1.5 metre gap would be retained between the side elevation of the proposal and the boundary. This corresponds with the guidance in the SPD, including for more than a 1.0m gap to be maintained to the side boundary where large gaps between dwellings are common. Moreover, I saw on my site visit that the two-storey side elevation of the neighbouring dwelling at 15 Broadway is set well away from the boundary. Consequently, the extension would not appear unduly cramped and a suitable degree of space would be maintained between these dwellings.
7. Furthermore, the proposal incorporates a complementary hipped roof which would be set down from the hipped roof of the main dwelling. The width of the proposal would not exceed two thirds of the width of the main house. Its architectural features, including the window detailing and materials, would also reflect those of the host dwelling. In these respects, the extension would meet the requirements of the SPD, including Policy HDG1 (Design and appearance), as its design respects the scale, form, proportions and character and appearance of the host dwelling.
8. Even though the extension would not be set back 2.0m from the front wall, as per the guidance in the SPD, the proposed 1.0m set back together with the width and lower roof profile would ensure that it would have a subservient appearance. The side elevation while deeper than the original side profile of the dwelling, would not be excessively so and views of side profiles of similar depth are not uncommon in the street scene on Broadway. The design details incorporated would also retain a suitable appreciation of the original form of the semi-detached pair ensuring an acceptably balanced composition.
9. The Council suggests that many of the examples put forward by the agent pre-date current local and national policy and that the more recent example at 26 Broadway (No 26) which was granted planning permission in 2019¹ includes a 2.0m set back at first floor level. From my own observations, in contrast to the appeal proposal, that extension is set in only marginally from the side boundary and so does not comply with all the guidance in the SPD. As part of their appeal case, the appellant has also provided examples² of recent planning

¹ LPA Ref 18/06777/FU

² LPA Refs 22/00233/FU, 22/03920/FU, 22/05729/FU and 24/00679/FU

permissions in the district for two-storey side extensions with less than a 2.0m set back. While I accept that the site context in those cases may have been different to Broadway, they also indicate that not every aspect of the guidance in the SPD should be rigidly applied in all circumstances. This is particularly so where a proposal would have an acceptable relationship with the host dwelling and its site-specific surroundings, as is the case in this appeal.

10. I conclude, the proposal would have an acceptable effect on the character and appearance of the area. In that regard, it would comply with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) and Saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006) which require that the size, design and layout of the development is appropriate to its context, respects the character and quality of surrounding buildings, resolves detailed design considerations and respects the detailing and materials of the original building.
11. For the same reasons, the proposal would also comply with the requirements for good design and for developments to be sympathetic to local character in the National Planning Policy Framework.

Conditions

12. The standard timescales should be applied together with a condition specifying the approved plans drawings in the interests of certainty. In the latter case, this includes that, notwithstanding the distance shown on the approved first-floor plan, the first-floor front elevation will be set back from the original front elevation of the dwelling by 1.0m as per the corresponding side elevation drawing.
13. The cross section provided does not correspond with the floor plan or elevation drawings as it indicates that the front elevation of the two-storey extension would align with that of the original dwelling. Given that this plan is not necessary for planning purposes in terms of confirming the footprint and external appearance of the extension, and given the clear intentions of the appellant to provide a 1.0m set back, the cross section is not included in the approved plans condition.
14. The Council's suggested condition to remove permitted development rights for side windows is not reasonable or necessary. This is because the proposal will need to be carried out in accordance with the approved drawings. The Town and Country Planning (General Permitted Development) Order 2015 requires that for alterations to a dwelling, upper-floor side elevation windows must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. These provisions are sufficient to ensure any side windows inserted in the future would not lead to any unacceptable overlooking of neighbouring properties.
15. With regards to the suggested condition requiring details of all vehicle parking and turning areas, the application was not refused on highway grounds. There is no detailed information before me to suggest that the reduction in driveway depth that would result from the proposal would be materially harmful to highway safety, either in terms of the remaining depth of driveway or any resultant increase in on street parking demand. Furthermore, the appellant has not indicated that they would be willing to hard surface the remainder of the

property's frontage to create a new parking/turning area. In the circumstances, and in the absence of a detailed case to demonstrate its necessity, it would not be reasonable to attach such a condition.

Conclusion and Recommendation

16. For the reasons given above, I recommend that the appeal should be allowed.

I Chukwujekwu

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

M Russell

INSPECTOR