

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: 9 October 2024

Appeal Ref: APP/N4720/D/24/3348764

31 Newlay Wood Crescent, Horsforth, Leeds LS18 4LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Michael Clayton against the decision of Leeds City Council.
 - The application Ref is 24/02569/DPD.
 - The development proposed is described as: 'Roof ridge and eaves raised, to allow additional floor area on second floor'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted pursuant to Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). This permits, amongst other things, subject to conditions and limitations, development consisting of the enlargement of a dwellinghouse by construction of one additional storey, where the existing dwellinghouse consists of one storey. The development is, however, subject to the developer firstly applying to the local planning authority for prior approval in relation to a number of matters.
3. The GPDO sets out that the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases so far as relevant to the subject matter of the prior approval, as if it were a planning application.

Main Issues

4. The main issues are whether prior approval should be granted having regard to the effect of the additional storey on the external appearance of the dwellinghouse and the living conditions of the occupiers of neighbouring properties.

Reasons

External Appearance

5. Newlay Wood Crescent is a residential street comprising predominantly of a mixture of single-storey bungalows, some with rooms in the roofspace, and dormer bungalows. The street slopes reasonably steeply across its length and dwellings step down the slope in line with the topography, which allow for views of the wooded slopes that form the backdrop to the street. Whilst materials, roof forms and orientation of dwellings in relation to the road vary, the consistency in roof heights, and their stepped nature, reflective of the topography, forms a cohesive appearance and rhythm which makes a positive contribution to the character and appearance of the streetscene.
6. 31 Newlay Wood Crescent is a detached bungalow which lies in a prominent position on a corner, viewed for some distance on the approach from the north down a steeply sloping section of road. Reflective of the prevailing character, it lies adjacent to dwellings with similarly low ridge and eaves heights. These dwellings step up the aforementioned slope as is characteristic here.
7. The proposal would add an additional storey to the appeal property, increasing the ridge height by 2.28 metres. On the approach towards the appeal site from the north, the raised ridge and two storey appearance of the principal elevation would have an imposing presence and would appear distinctly at odds with the consistency and scale of the adjacent dwellings. The appeal property would be clearly discernible as a two-storey house rather than a single storey property, with a two-storey height principal elevation projecting well above the eaves of nearby properties. In this context, the external appearance of the principal elevation of the resulting building would undermine and unduly harm the cohesive appearance and rhythm of the streetscene.
8. I acknowledge that there are two storey buildings to the western end of Newlay Wood Avenue which joins Newlay Wood Crescent. However, these buildings are clustered together some distance from the appeal site and are not experienced in the immediate streetscene context with No 31, the prevailing character of which is of single storey height dwellings.
9. There are properties with dormer windows to the front elevations along Newlay Wood Crescent, however that is not what is proposed as part of the appeal. Nonetheless, the overall roof height and eaves height of the properties with front dormers are reflective of those of surrounding bungalows and dormer bungalows.
10. In the light of the above analysis, I conclude that the external appearance of the principal elevation of the dwelling, in particular the design in the context of this site and the surroundings, would have a harmful impact on the character and appearance of the area. On this basis, the development would conflict with the provisions of paragraphs 131 and 135 of the Framework which place an emphasis on good design as a key aspect of sustainable development and seek to ensure that new developments add to the overall quality of the area, are visually attractive and are sympathetic to local character.

Living Conditions

11. 33 Newlay Wood Crescent, is a semi-detached bungalow, that lies immediately to the west of the appeal site. The appeal property is constructed close to the boundary with No 33, with a driveway set between the two properties. Whilst the space between the two dwellings varies, they are sited relatively close together with the distance between them measuring 1.3 metres at the closest point. The main entrance door and a window are located on the elevation facing the gable of the appeal property. Given the single storey nature of the gable and the presence of some intervening vegetation, the levels of outlook from the spaces to the side and around the entrance door of No 33 are reasonable.
12. Adding an additional storey to the gable of the appeal property would result in the provision of a two-storey height, predominantly blank, gable positioned close to the boundary with No 33. Owing to its scale and proximity, the increased height gable would likely result in a significant reduction in outlook from the spaces to the side of No 33. In views from the driveway and from the entrance door facing the appeal site, the appeal proposal would appear as an overbearing and oppressive form of development that would adversely affect the living conditions of the occupiers of No 33.
13. I acknowledge that 'over-dominance' or 'appearing overbearing' are not listed in subparagraph AA.2(3)a(i) of Class AA. However, the use of the word 'including' at the start of that subparagraph means that the list that follows is not exhaustive.
14. For the above reasons, I conclude that the development would result in unacceptable harm to the amenity of adjoining premises by reason of a loss of outlook. In these regards, the development would conflict with the provisions of the Framework that seek to provide a high standard of amenity for existing and future users.

Other Matters

15. The appellant did not submit a report for the management of the construction of the development as part of the application for prior approval. However, paragraph AA.2(3)(b) of Class AA only requires such a report to be submitted to the Council before the beginning of development. Furthermore, a construction management report is not included in the list of documentation required to accompany an application for prior approval set out at paragraph AA.3(2). As such, this is a matter that could be addressed with a condition, were I to allow the appeal.

Conclusion

16. The proposal would have an unacceptable effect on the external appearance of the house and would unacceptably harm the amenity of adjoining premises and, on this basis, prior approval should be refused. I therefore dismiss the appeal.

Paul Martinson

INSPECTOR