



Appeal Decision

Site visit made on 12 March 2024

by N Kempton BAHons, PGDip, MA, IHBC, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2024

Appeal Ref: APP/N4720/D/23/3333910

5 Preston Lane, Allerton Bywater, Castleford WF10 2HQ

- 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 Broughton against the decision of Leeds City Council.
 - The application Ref is 23/04691/FU.
 - The development proposed is alterations including two-storey rear extension with Juliet balcony; two-storey side extension with integral garage; single-storey infill extension to link the new extensions; single storey front extension; roof space converted to habitable rooms with rooflight to front.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I was able to assess the proposal from inside the kitchen of number 7 Preston Lane at the prior written request of the Council.
3. The description of development as stated on the application form was changed by the Council. As such, the description stated above is taken from the decision notice rather than the application form, in the interests of clarity and consistency.

Main Issues

4. The main issues relevant to this appeal are the effect of the proposed development on the:
 - character and appearance of the host building and the area;
 - living conditions of neighbouring occupiers at number 3 Preston Lane with particular regard to external amenity area and outlook.

Reasons

Character and appearance

5. The appeal site is a detached, two-storey dwelling situated in a substantial plot with a generous rear garden, which exceeds the size of most of the other gardens in the vicinity. The dwelling is accessed via a private driveway which runs adjacent to and parallel with the northern site boundary. Beyond this shared boundary, number 7 Preston Lane is a semi-detached, brick built single storey dwelling. The dwelling on the south side of the appeal site, number 3 Preston Lane, is a two-storey, brick built, semi-detached dwelling. The building

line is staggered at this point, such that number 3 Preston Lane is set forward of the appeal site. The topography of Preston Lane falls to the south.

6. Characteristically, dwellings in the area are mixed in terms of house type, age, style, form and material palette. Single-storey and two-storey dwellings are side by side, mostly orientated with eaves to the street. The predominant building material is brick, though I observed the use of render in the immediate vicinity of the appeal site.
7. Surrounded by terraces and paired semi-detached properties, the appeal dwelling is distinctive by reasons of being detached, positioned centrally in the site, and finished in a material palette that constitutes a departure from the established palette. The external appearance of the dwelling, which is faced with artificial stone, would benefit from enhancement in terms of a cohesive material finish to its exterior. Already part-rendered, the proposal to render the entire property, as extended, would not be incongruous in the street scene.
8. Notwithstanding this, the proposed development would be conspicuous by reasons of the disproportionate scale and massing. The large extensions to the side and rear would be out of scale with the host dwelling and envelop the original building on three sides- including the canopy extension to the facade. As such, the appeal dwelling would be unduly imposing in the street.
9. The two-storey transverse gable on the rear elevation would significantly alter the appearance of the dwelling, which is visible from properties bordering the appeal site. The gable would be visually prominent and intrusive by reason of its scale, massing and design. The disproportionately wide gable would span the full width of the existing dwelling and its width would be accentuated by the wide bands of glazing, giving an unduly horizontal emphasis. The glazed panels, which extend from ground floor through to the apex, would increase the perceived height of the extension and emphasise the overall scale of this extension.
10. The massing and proportion of the proposed development is out of balance with the host building. The gable extension would utilise the roof space to create a second floor. It would project rearwards, extending the footprint by more than half the depth of the host dwelling, resulting in a dwelling that would be substantially larger than the existing dwelling and compared to properties in the immediate vicinity of the appeal site.
11. The presence of transverse gables in the vicinity of the appeal site are acknowledged. At numbers 7,9 and 11 Preston Lane, the gables are proportionate to the dwellings. The property at Bellacroft Villa is an end of terrace with the gable projection, which is set down from the principal ridge in subservience, serves to 'bookend' the terrace and turn the corner into the side street. In contrast, the proposed transverse gable would be unduly assertive and out of scale with the host dwelling.
12. Previously, planning consent was granted for a two-storey rear extension with a hipped roof- this roof form served to relieve the bulk and massing of the rear projection, lessen its visual prominence and dominance. The proposed development would not form a satisfactory composition, rather it would visually dominate the host building, appearing as an incongruous and discordant feature, as viewed from Preston Lane and from properties

bordering the site- notwithstanding the large spacious plots, with elongated gardens and the diverse and extended properties in the vicinity.

13. The set down of the rear projection from the principal ridge would constitute an improvement to the massing and articulation of this element. However, it would be insufficient to mitigate the harm arising from the scale, design and siting of the transverse gable.
14. For these reasons, the proposed development would be detrimental to the character and appearance of the host building and the area. Therefore, the proposal would be contrary to policies P10 of the Leeds Core Strategy 2019 and BD6 and GP5 the Leeds Saved Unitary Development Plan (2006). Taken together these require good contextual design, appropriate size, and for extensions to respect the scale and form of the original building.
15. The proposed development also conflicts with the aim of achieving well-designed and beautiful places identified in places contained in chapter 12 of the National Planning Policy Framework (the Framework).

Living conditions of neighbouring occupiers

16. The depth of the rear extension would extend at two storeys in height along the shared boundary with number 3 Preston Lane. The continuous expanse of blank wall would be a solid mass, lacking any articulation or relief to the massing. The proposed extension would not breach the 45-degree line from the nearest window to a habitable room in 3 Preston Lane. However, the extension would be a substantial rearward projection from the host property, two storeys in height with a transverse gable roof. The overall height, depth and scale of the extension would result in a visually dominant and overbearing feature as seen from that neighbouring property. This would result in a diminution of outlook to the detriment of the living conditions of neighbouring occupiers at number 3 Preston Lane, with particular regards to the external amenity space.
17. The side window in number 7 Preston Lane, which faces the appeal site serves a principal habitable room- specifically a kitchen. This is the only window serving the kitchen. Occupiers can reasonably expect a good standard of outlook from, and daylight to, this window.
18. The Council considered that the proposals had no adverse effect on the occupants of 7 Preston Lane. Given that the appeal proposal is so similar to the previously approved scheme as it relates to 7 Preston Lane, dismissal on grounds of harm to the living conditions of the occupiers of number 7 Preston Lane, would not be justified.
19. As such, the proposed development would be contrary to the following policies of the Leeds Core Strategy 2019: policy P10 which, amongst other things requires development to protect residential amenity through high quality design that protects and enhances satisfactory penetration of sunlight and daylight; as well as Policy BD5 of the Leeds Saved Unitary Development Plan (2006), which requires that all new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight and sunlight.

20. The proposed development is also contrary to Saved Leeds Unitary Development Plan (2006) policy GP5, which states that development proposals should resolve detailed planning considerations and seek to avoid problems such as loss of amenity.
21. Furthermore, the proposal is contrary to paragraph 135(f) of the Framework, which states that development should create a high standard of amenity for existing and future users.

Fallback position

22. The fallback of a two-storey rear extension has not yet been confirmed by the Council through the granting of a Certificate of Lawful Development. I note, however, the determination of the appellant to extend the property and increase the level of accommodation to the extent that could be constructed under permitted development rights. There is a realistic prospect that permitted development rights would be implemented, and it is therefore, in effect a fallback position. The prospect of its implementation is more than merely theoretical and therefore weighs in favour of the appeal proposal.
23. Notwithstanding the ridge height, the permitted development fallback scheme would be better proportioned and more compact. However, the appellant acknowledges that would not be the preferred scheme. It would not provide a third bedroom, ensuite, snug or the canopy extension to the façade.
24. Furthermore, whilst the previous consent for a similar development has now lapsed, subject to the context of the appeal site remaining materially unchanged since the determination of that application, it is a reasonable expectation that if resubmitted, consent would be granted for that same scheme. It is therefore considered to be a previously approved fallback position. The depth of the rear extension in the previously approved scheme reflected that of the appeal scheme, however the roof form was hipped and set down at the ridge, such that the scheme did not make provision for an additional bedroom in the roof void. Furthermore, the snug at ground floor was omitted.
25. I consider that the harmful effect of the appeal scheme on the character and appearance of the host building and area, and on the living conditions of neighbouring occupiers, would be substantially greater than the effect of both the permitted development and previously approved fallback positions. The design, scale, siting and roof form of the rear transverse gable in this appeal scheme makes it far more dominant and assertive. For these reasons, I attribute only moderate weight to these fallback positions, which would not be sufficient to overcome the harm I identified.

Other Matters

26. Nearby alterations and extensions in the vicinity are noted, but these do not justify the harmful development proposed here. Rather, such examples demonstrate the necessity to raise design aspirations and promote good contextual design, which respects and enhances local character and distinctiveness.

Conclusion

27. The proposed development is contrary to the development plan when read as a whole and to the Framework, and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.
28. For the reasons given above the appeal should be dismissed.

Naomi Kempton

INSPECTOR