



Appeal Decision

Site visit made on 21 January 2025

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/N4720/D/24/3352128

49 Haw Avenue, Yeadon, Leeds LS19 7XE

- 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 Chris Small against the decision of Leeds City Council.
 - The application reference is 24/02579/FU.
 - The development proposed is side and rear house extension including loft conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2024. I am satisfied that the substance of the Framework regarding the main issues of the case have not changed. I have taken the revised Framework into account, and I am satisfied that this has not prejudiced either party.

Main Issues

3. The main issues are the effects of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of residents of 47 Haw Avenue with regard to outlook and sunlight.

Reasons

Character and Appearance

4. The appeal site is located within a mainly residential area characterised by predominantly semi-detached two storey dwellings of a relatively consistent scale and massing. The appeal property is one of a pair of semi-detached two storey dwellings. Although there are differences between the property and the attached dwelling, notably the flat roof and render finish compared to a hipped roof and brick, the pair are nevertheless of a similar scale.
5. The appeal property is one of the few dwellings in the vicinity with a flat roof. Altering the property to include a sloping roof plane would not of itself necessarily be at odds with the character and appearance of the built form in the vicinity.
6. However, the combination of the increased height and depth arising from the roof alterations and extensions that are proposed would result in substantial bulk being

added to the property. The overall outcome would be a dominant structure that would detract from the scale and proportions of the property and would not be subordinate to it. While the proposed front dormers would not be large, they would further emphasise the bulk of the proposal.

7. The property would have a substantially greater massing than the other two storey dwellings in the area. This would disrupt the homogeneity in the form of the streetscape. The scale and bulk of the property would be emphasised by the contrast with the adjoining dwelling, including the noticeably higher eaves height that is proposed. The property would therefore appear unbalanced and out of character with the proportionate nature of the adjoining and surrounding dwellings, disrupting the congruity of the streetscape.
8. Overall, the proposal would result in a form of development markedly at odds with its surroundings. The set back nature of the side extension and the retention of the gap between the property and no. 51 would not adequately mitigate this.
9. My attention has been drawn to a planning permission granted at 65 Haw Avenue for a part two storey, part single storey side and rear extension and a new roof. However, based on the available evidence and my site visit observations, I do not find this scheme to be directly analogous to the appeal proposal. While the height of that dwelling has been increased through the replacement of the flat roof, the hipped roof that has been installed matches that of the adjoining property and a similar eaves line has been retained, which is not what is proposed here. In any event, I have evaluated this appeal proposal on its individual planning merits.
10. For the reasons given, I conclude that the proposal would harm the character and appearance of the area. Consequently, it would conflict with the design objectives of Policy P10 of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (the CS), Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) (the UDP), and the Framework, and the guidance in Policy HDG1 of the 2012 Householder Design Guide Supplementary Planning Document (the SPD).

Living Conditions

11. The taller element of the rear extension would be set in from the boundary with the adjoining dwelling at no.47. Despite its height and outward projection, this separation distance would be sufficient to ensure that it would not have an overbearing effect on the outlook from the rear windows or garden of no. 47.
12. The single storey element of the rear extension would be adjacent to the common boundary with no. 47 and would be visible in views from the rear garden and nearest ground floor window of this dwelling. However, its effect on those views would be tempered by its pitched roof, and the positioning of the appeal property at a lower level due to the sloping topography. As a result, the single storey extension would not dominate the outlook from the rear ground floor window, which would maintain an open view across the garden. Much of the garden length would remain unaffected by the proposal. The sense of enclosure when in the garden would therefore be modest, and the single storey extension would not have an overbearing effect on the outlook from it. Consequently, the proposal would not unacceptably diminish the residents' use and enjoyment of the room served by the nearest ground floor window or the garden.

13. The appellant's evidence includes images showing shading currently caused by the appeal property. The proposed extension would likely increase the amount of shading to the rear elevation and garden of no. 47 at certain times of day. However, this would be moderated by the separation distance of the taller part of the extension from the common boundary and the height of the nearer single storey element. Consequently, taking the day as a whole, while there would be some increase in shading, it would not be excessive. The proposal would not therefore unacceptably diminish the quality or useability of the rooms served by the nearest rear windows or the garden of no.47.
14. For the reasons given, I conclude that the proposal would not unacceptably harm the living conditions of residents of 47 Haw Avenue with regard to outlook and sunlight. Accordingly, there would be no conflict with the residential amenity requirements of Policy P10 of the CS, Policy GP5 of the UDP or the guidance in Policy HDG2 of the SPD.

Conclusion

15. I have found that the proposal would not harm the living conditions of neighbouring residents with regard to outlook and sunlight. However, I have found that it would cause unacceptable harm to the character and appearance of the area. To this extent, there would be conflict with the development plan when considered as a whole.
16. There are no material considerations of sufficient weight that would indicate the decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR