



Appeal Decision

Site visit made on 22 October 2024 by J Reed MPlan

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal Ref: APP/N4720/D/24/3343336

9 St Marys Avenue, Swillington, Leeds, LS26 8UB

- 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 Simon Deplacido against the decision of Leeds City Council.
 - The application Ref is 23/07131/FU.
 - The development proposed is retrospective application for a garage/shed to rear.
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Decision

1. The appeal is dismissed.

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 Matters

3. From my site visit I saw that the development has been completed. The development appears to be in accordance with what is shown on the submitted plans, as such I have dealt with the appeal on this basis of the submitted plans. For conciseness the above description of development has been updated to reflect what is shown on the Local Planning Authority's decision notice.
4. The Local Planning Authority requested the appeal site be viewed from 11 St Marys Avenue. However, no one was present at that address to grant access at the date of my visit. Regardless of that, I am satisfied that I was able to view the relevant areas of that neighbouring property from the appeal site and from the public realm.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the character and appearance of the host dwelling and area; and,
 - The effect of the proposed development on the living conditions of the occupants of 11 St Marys Avenue with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

6. The residential area in which the appeal building is located consists of, amongst other things, two storey terraced properties with small gardens to the front and relatively long rear gardens. This lends a pleasant open feel and strong sense of spaciousness to the area which contributes positively to its character and appearance.
7. The detached garage occupies a large portion of the rear garden in both regard to its depth and width with narrow gaps either side for access. This results in an overly large and bulky addition to the rear which, by virtue of its positioning and land take, would significantly erode the openness of the garden and accordingly reduce the quality of the area's spaciousness.
8. The garage is clad in black corrugated metal sheeting to all elevations which is a stark contrast when viewed against the red brick dwellings and garages in the direct vicinity to the appeal site. The resultant development is a bulky, prominent incongruous feature which does not respect the character and appearance of the area.
9. I observed on my site visit that there were other detached garages in the rear gardens of properties on St Marys Avenue and in the directly surrounding streets of Astley Lane and Park Avenue. However, these are generally modest in their scale and massing and sensitive in their material pallet choice. Whilst I acknowledge the appellant's submissions regarding the choice of materials, the garage is clad in black corrugated sheeting which would be viewed in direct contrast in comparison to the surrounding outbuildings and garages.
10. Whilst the garage is single storey, its footprint, massing and choice of materials would detrimentally affect the character and appearance of the area and host dwelling. Thus, it would be in conflict with Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) and the Saved Unitary Development Plan Review (2016) policies GP5 and BD6 which require development to be compatible with the host property and the surrounding area. The proposal would also fail to accord with the guidance contained within HDG1 of the Householder Design Guide Supplementary Planning Document, which requires all additions to respect the scale, form, proportions, character and appearance of the main dwelling and the locality.

Living Conditions

11. By reason of its length along the shared boundary with No.11 St Marys Avenue, coupled with its height and blank featureless appearance the proposal would dominate views for users of the rear garden of No 11, and, whilst the garage is marginally set away from the shared boundary, its height and material pallet further exacerbate this. This visual dominance results in an oppressive structure which would feel overbearing to garden users to the detriment of their living conditions.
12. There is a close boarded timber fence separating the gardens of the appeal site and No 11. However, this is much lower than the total height of the garage and thus it would not sufficiently mitigate its adverse effects as I have explained them. The occupiers of No 11 have not objected to the appeal scheme but this

would not obviate the need for an assessment as to its effects in the context of the main issues.

13. The proposed development would therefore be unacceptably harmful to the living conditions of occupants of 11 St Marys Avenue with particular regard to an impact on outlook. As such it would fail to comply with Policy GP5 of the Unitary Development Plan Review (2016) and policy HDG2 of the Householder Design Guide Supplementary Planning Document which both require development, amongst other things, to consider the effect upon the surrounding environment and the living conditions of occupiers of nearby properties.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

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

Mr A Spencer-Peet

INSPECTOR