

Appeal Decision

Site visit made on 4 October 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2016

Appeal Ref: APP/N4720/D/16/3157216

12 Lincroft Crescent, Bramley, Leeds, West Yorkshire LS13 2JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Danny Wilson against the decision of Leeds City Council.
 - The application Ref 16/01964/FU, dated 21 March 2016, was refused by notice dated 7 June 2016.
 - The development proposed is single storey rear extension. Part 2 storey and part single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring residential properties having regard to privacy and outlook.

Reasons

3. The appeal site comprises a modest two storey semi detached dwelling. The dwelling has existing side and rear single storey extensions. The side elevation of the existing side extension forms the side boundary with the neighbouring property at 14 Lincroft Crescent and is adjacent to the driveway at No 14. A gate is located to the rear of the driveway and separates it off from the rear garden of No 14. At the time of my visit the area to the rear of the gate was being used for bin storage and to the rear of that a decked seating area was positioned adjacent to the side boundary with No 12. To the rear of the side extension the common side boundary between Nos 12 and 14 is marked by a timber fence.
 4. The proposed two storey side extension would extend up to the common side boundary with No 14 and would be flush with the rear elevation of No 12. It would contain a first floor bedroom window in the rear elevation close to the side boundary with No 14. Though there is an existing first floor bedroom window in the rear elevation of No 12 and a first floor window in the rear elevation of the dwelling adjoining No 14, the proposed bedroom window at No 12 would be much closer to the garden boundary of No 14 than these existing windows and would result in a significant increase in overlooking of the rear garden of No 14, including the decked seating area, and a resultant loss of
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privacy. I do not consider that the proposal would result in any loss of privacy to the occupiers of No 10 having regard to the fact that no windows are proposed in the side elevation of the rear extension adjacent to No 10 and to the distance between the first floor rear window in the side extension and the garden of No 10.

5. Though I note the appellant's view that the relationship between the new bedroom window and the garden of No 14 would be similar to the relationship between the first floor rear window at No 10 and the rear garden of No 12, I do not agree. It appears that the new bedroom window would be closer to the garden boundary of No 14 than the rear window at No 10 to the garden boundary of No 12. Additionally whilst the type of development proposed may be commonplace nationally I do not agree that the circumstances created by such developments are unavoidable but rather each case needs to be assessed on its own merits. Whilst I note the appellant's view that setting the extension in from the side boundary would not change the amount of overlooking, such a proposal is not before me and I have assessed the proposal as shown on the plans submitted to the Council.
6. The proposed side and rear extensions would also increase the height and bulk of development adjacent to the side boundary with No 14. However, the two storey side extension would incorporate a set back in the first floor level at the front and would not extend beyond the existing two storey part of the dwelling at No 12. Consequently the additional bulk to the side would in the main be adjacent to the driveway at No 14 and would not affect the outlook from any habitable rooms.
7. Though the bulk of the side extension and the part of the single storey rear extension adjacent to the side boundary with No 14 would be visible from the rear garden of No 14, having regard to the fact that most of the additional bulk is to the side and not the rear and the limited height and rear projection of the rear extension, I do not consider that the proposal would be oppressive, overbearing or have a significant adverse effect on the outlook from the dwelling or garden at No 14. Having regard to the scale and the relative position of the single storey rear extension to the adjoining dwelling at No 10, I do not consider that the proposal would have any significant impact on the outlook from either the dwelling or garden at No 10.
8. In the Council's Officer Report reference was made to guidance contained within the Householder Design Guide Supplementary Planning Document (SPD) and in particular to HDG2. The SPD has also been referred to by interested parties. I have been provided with an extract from the SPD and from what I have seen the proposal does not appear to conflict with the SPD which does not appear to state that two storey extensions cannot be located within 1 metre of a side boundary. Rather it states that large extensions which impact upon private garden space should be set away from the boundary. For the reasons stated above, I do not consider that this is the case with the proposal.
9. Taking the above matters into consideration, I conclude that the proposal would have an adverse effect on the living conditions of the occupiers of the neighbouring property at 14 Lincroft Crescent having regard to privacy. It therefore conflicts with Policy P10 of the Leeds City Council Core Strategy, Policy GP5 of the Leeds Unitary Development Plan and with guidance contained

within the SPD. These policies and guidance seek, amongst other things, to ensure that development proposals protect the living conditions of neighbours.

Other Matters

10. In reaching my decision I have had regard to the appellant's view that the proposal respects the main dwelling and note that no objections were raised by the Council to the design of the proposal. I also note that any significant reduction in width of the side extension is likely to make that element of the proposal unfeasible and note that the appellant considers that much of the single storey element of the proposal would be permitted development. However none of these matters outweigh the harm that I have identified to living conditions.
11. Reference has been made by interested parties to a number of refused planning applications for extensions at 53 Lincroft Crescent and parallels have been drawn between No 53 and the appeal proposal. I am not aware of the details or particular circumstances relating the proposals at No 53. In any event, I must determine the proposal before me on its own merits.
12. Finally I note that the appellant states that he has been unable to view the representations made in relation to the application and consequently has been unable to respond to any specific concerns raised. Whilst I have some sympathy with the appellant in relation to this issue, it does not affect my decision.

Conclusion

13. The proposal would not adversely affect the living conditions of the occupiers of neighbouring properties having regard to outlook. However the proposal would affect living conditions having regard to privacy.
14. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR