

Appeal Decision

Site visit made on 14 October 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 31st October 2016

Appeal Ref: APP/N4720/W/16/3153047

48 Delph Lane, Woodhouse, Leeds, LS6 2HQ

- 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 Chris Johnston against the decision of Leeds City Council.
 - The application Ref 16/00852/FU, dated 9 February 2016, was refused by notice dated 1 April 2016.
 - The development proposed is a conversion of basement to self-contained flat.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given above is the one provided in the Council's decision notice and the appellant's appeal form. The description given in the application form has not been used as it does not reflect subsequent revisions made at the planning application stage.
3. The proposed development has already been implemented and the appeal is therefore retrospective in nature.

Main Issue

4. The main issue is the effect of the development on the living conditions of occupiers of both the basement apartment and upper dwelling with regard to privacy, levels of natural light, and access to suitable, private amenity space.

Reasons

5. The appeal property sits beneath a large Victorian mid-terrace dwelling on the eastern side of Delph Lane. The ground floor of the upper dwelling is above street level, and there are basement windows fronting both Delph Lane and Cross Hartley Avenue. A small yard is located at the rear of the building, through which both properties can be accessed. There is also a small garden at the front of the property facing Delph Lane.
 6. The rear yard would be apportioned to the basement apartment, whereas the front garden would be apportioned to the upper dwelling. This arrangement would be problematic for a number of reasons. Firstly, the front garden is very small, and a significant proportion of it is taken up by a light well to the lounge of the basement apartment. The remaining area is too small to function as a meaningful garden area for the upper dwelling. In addition, this space is
-

adjacent to the street and therefore has very little privacy. Use of this space would also be unacceptably detrimental to the privacy of the basement apartment as it would allow direct views into the lounge area at close quarters.

7. Whilst the use of the rear yard by the basement apartment would provide a good standard of amenity for that dwelling, it would leave the larger property without an adequate amenity space. This is particularly harmful as the upper dwelling is of a size that could accommodate a family. The upper dwelling would also continue to use the rear stairs for access, which would reduce the privacy and usability of the yard for the basement apartment.
8. In terms of natural light, the lounge to the basement apartment is well served by a large bay window. This is set within a light well, which provides adequate natural light and outlook to this room. The kitchen and bedroom are located at the rear of the property and are served by smaller windows. The bedroom window is located in an alcove in the corner of the room. Due to the position of this window, and the irregular shape of the bedroom, natural light is unable to penetrate into much of the room. This results in an unacceptably poor level of light in this room that would necessitate the use of artificial light throughout the day. Separately, the kitchen window is more centrally located and serves a smaller room. The level of natural light into the kitchen is not unacceptable in my view. The lack of windows in the bathroom and hallway is also not unusual for an apartment development, and is not unduly harmful in this case.
9. Whilst I acknowledge that the development would be located within easy reach of public transport and other facilities, this consideration would not outweigh the harm I have identified above.
10. I conclude that the development would unacceptably harm the living conditions of occupiers of both the basement apartment and upper dwelling with regard to privacy, levels of natural light, and access to suitable, private amenity space. It would therefore be contrary to Policies P10 and H6 of the Leeds Core Strategy (2014), saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006), and guidance contained within the Neighbourhoods for Living Supplementary Planning Guidance. It would also be at odds with the National Planning Policy Framework which seeks to ensure a good standard of amenity.

Conclusion

11. For the reasons set out above, I conclude that the development would unacceptably harm the living conditions of occupiers of both the basement apartment and the upper dwelling. Whilst there would be a positive benefit in terms of the provision of an additional dwelling, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR