
Appeal Decision

Site visit made on 24 October 2016

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 2 November 2016

Appeal Ref: APP/N4720/D/16/3157727

30 Lingfield Hill, Leeds LS17 7EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mrs Syeda Masud against the decision of Leeds City Council.
 - The application Ref 16/03827/DHH, dated 17 June 2016, was refused by notice dated 1 August 2016.
 - The development proposed is described as "the proposed single storey rear extension will be a lean to tiled roof built with glass wall/window."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

3. The appeal proposal would extend 4m from the rear of a semi-detached house and be located immediately adjacent to its boundary with the other house in the pair, 32 Lingfield Hill. The boundary is currently marked by a close boarded fence which the Council advise is between 1.8m and 2m high. This is increased adjacent to the rear elevations of the houses by a modest triangular panel tapering down to the predominant fence height.
 4. As part of my inspection I was able to view the appeal site from No 32 which has a wide window situated close to the party boundary serving a living room, immediately outside of which is a patio area set below the level of much of the garden. No 32 has a sensitive relationship with No 30 as a result.
 5. The drawings indicate that the proposed extension would rise up from eaves of 2.5m to a ridge just under 3.8m high which would be immediately below the level of the first floor windows. This would result in a tapering wedge of brickwork being conspicuous above the existing fence and being considerably higher than it at its closest point to the host dwelling.
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6. This would enclose the patio area to a greater extent than the existing fence does and would be prominent from within the adjacent habitable room in No 32. The result of the combined height and depth of the proposed gable in such close proximity to the boundary would result in the extension having a significant overbearing effect being experienced by the occupiers of No 32, particularly from within their living room.
7. Due to the north east orientation of the rear elevations of the two properties the proposed extension would be unlikely to have a material effect on sunlight. However given its proximity and height closest to the living room window it is not certain that levels of diffuse skylight reaching the interior of that room would remain unaffected, which I note was a particular concern of the occupier in objecting to the proposal. Overall, the proposal would have a materially harmful effect on the living conditions, and hence amenity, that the occupiers of No 32 could reasonably expect to enjoy.
8. The Leeds Local Development Framework (LLDF) Householder Design Guide Supplementary Planning Document, 2012 indicates that a projection smaller than the normally acceptable 3m may be required where neighbouring windows are close to a single storey rear extension on the party boundary. This adds weight to my assessment as to the proposal's harmful effects.
9. Insofar as they relate to the impact of a proposal on the amenity of any adjoining premises, I have considered the development plan policies cited by the Council. Core Strategy – LLDF Development Plan Document, 2014 Policy P10 and Leeds Unitary Development Plan (Review 2006) Written Statement Policies GP5 and BD5 together seek to ensure that development proposals consider, respect and avoid loss of amenity, an approach with which the appeal proposal would fail to comply. The proposal would also run contrary to the National Planning Policy Framework's core planning principle of always seeking to secure a good standard of amenity for all existing occupants of land and buildings.
10. Although the proposal is shorter in depth than the maximum permitted under the GPDO such proposals would also need to be considered in light of their impact on the amenity of any adjoining premises where the owner or occupier objects and as such I have given this little weight in reaching my conclusion.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Geoff Underwood

INSPECTOR