The Planning Inspectorate

Appeal Decision

Site visit made on 5 December 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 9th December 2016

Appeal Ref: APP/N4720/D/16/3158070
19 West Lea Gardens, Moortown, Leeds LS17 5DF

- 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 Gursharan Giller against the decision of Leeds City Council.
- The application Ref 16/03886/FU, dated 20 June 2016, was refused by notice dated 26 July 2016.
- The development proposed is described as "rear first floor extension and internal remodelling".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has raised concerns regarding the Council's handling of the case, and, in particular, the inconsistency in advice that was given. This is a matter that would need to be taken up with the council in the first instance. In determining the appeal I have only had regard to the planning merits of the case.

Main Issue

3. The main issue in the appeal is the effect of the proposed extension on the living conditions of the occupiers of No 21 West Lea Gardens with particular regard to outlook and light.

Reasons

4. The appeal property is a detached house that has previously been extended at the side and the rear. It is situated in close proximity to No 21 with only a very limited gap being maintained between the side elevations of these two properties. As the depth of the rear garden of No 21 is quite limited the existing single storey extension on No 19 extends for a significant distance close to the boundary of the garden. This, together with the detached garage of No 23 to the other side, creates a considerable degree of enclosure to the rear to No 21, despite the position of, and distance to, the house at the rear.

5. Detailed guidance on extensions to dwellings is found in the *Householder Design Guide Supplementary Planning Document (adopted April 2012)* (HDG). This indicates that where sites are level, and the rear elevations are flush, a first floor extension with a depth of 3m may be possible if it is set a minimum of 2m from the boundary.

6. In this case, although the proposed extension would be set in around 2m from the boundary with No 21, it would extend a depth of approximately 3.7m. No 21 has windows/patio doors at both the ground and first floor that are close to the boundary, and which serve habitable rooms. Notwithstanding the fact that the extension would be set in from the boundary, given the depth of the extension, I consider it would have an overbearing impact to, and reduce the light received by, the ground floor windows in particular. It would also significantly increase the sense of enclosure to the rear garden.

7. It has been highlighted that due to the topography there is a difference in levels between No 19 and its neighbours. However, I observed that with regard to No 21 the difference in heights of the dwellings was minimal. This, together with the design and height of the roof, would not be sufficient to overcome the harm from the depth and proximity of the extension to the neighbouring property.

8. Consequently, I consider that the proposed extension would cause adverse harm to the living conditions of the occupiers of No 21 West Lea Gardens with regard to outlook and light. As a result, it would conflict with Policy P10 of the *Leeds Core Strategy (adopted November 2014)* and Policy GP5 of the *Leeds Unitary Development Plan (Review 2006) (adopted July 2006)* which, amongst other things, seek to ensure that developments protect residential amenity. It would also conflict with the core planning principle (paragraph 17) of the Framework that planning should seek to secure high quality design, and a good standard of amenity for all existing and future occupants of land and buildings.

9. I note the personal circumstances of the appellant that result in the desire for additional bedroom space. However, personal circumstances seldom outweigh more general planning considerations, and it is likely that the extension would remain long after the current personal circumstances cease to be material.

10. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR