
Appeal Decision

Site visit made on 19 December 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 09 January 2017

Appeal Ref: APP/N4720/D/16/3160278

91 Carr Manor Avenue, Moortown, Leeds LS17 5BL

- 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 Adrees Ahmed against the decision of Leeds City Council.
 - The application Ref 16/04366/FU, dated 8 July 2016, was refused by notice dated 24 August 2016.
 - The development proposed was originally described as 'rear single storey extension wrapped around to part part side single storey extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension at 91 Carr Manor Avenue, Moortown, Leeds LS17 5BL in accordance with the terms of the application, Ref 16/04366/FU, dated 8 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 6044 B001.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby approved shall match those used in the existing building.

Procedural matter

2. I have taken the description of development from the Council's decision notice as it more accurately describes the development than that set out in the application form.

Main Issue

3. The main issue for the appeal is the effect of the proposed extension on the living conditions of the occupiers of 89 Carr Manor Avenue with particular reference to any effects upon outlook and/or any overbearing effects.

Reasons

4. 91 Carr Manor Avenue is a two storey semi-detached dwelling. I saw at my site visit that the common boundary with the garden of the adjoining 89 Carr Manor Avenue is marked by a tall hedge. The proposed single storey extension would project out about 4.5 metres from the rear of the host dwelling and
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would be set in slightly from the common boundary, with the plans indicating that the existing boundary hedge would be retained.

5. The proposed extension, at about 4.5 metres in depth, would exceed the rule of thumb figure of 3 metres for single storey rear extensions as set out in the Leeds Local Development Framework Householder Design Guide Supplementary Planning Document 2012 (SPD). However, whilst the proposed extension exceeds the rule of thumb figure given in the SPD by about 1.5 metres, given the proposed eaves height of the extension and the significant screening effect of the existing boundary hedge, I do not consider that the appeal scheme would give rise to unacceptable effects on the living conditions of the occupiers of No 89 in terms of overbearing effects or loss of outlook from ground floor habitable rooms or the rear private amenity space.
6. I note from the Council officers report that it has been determined that prior approval is not required for a proposed single storey rear extension at the appeal property (LPA Ref 16/03109/DHH). During the course of the appeal, I requested details of that scheme from the Council. I note that it appears that a scheme with similar effects in respect of the living conditions of the occupiers of No 89 and to serve a similar purpose to the appeal scheme is therefore presently available and lawful at the appeal property.
7. To conclude on this matter I do not find that the appeal proposal would have an unacceptable effect on the living conditions of the occupiers of 89 Carr Manor Avenue. Of the policies cited, the appeal proposal therefore does not conflict with Policy P10 of the Leeds Local Development Framework Core Strategy which is concerned with design and includes the protection of residential amenity. The proposal also does not conflict with saved Policy GP5 of the Leeds Unitary Development Plan which includes that proposals should seek to avoid loss of amenity. Additionally, the proposal does not conflict with the National Planning Policy Framework which in paragraph 17 includes that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Whilst the appeal scheme exceeds the rule of thumb figure for the depth of extensions set out in the SPD, I nevertheless find that it does not conflict with HDG2 of the SPD in that it would not give rise to excessive over-dominance.

Conditions

8. I have imposed conditions in respect of timescale and specifying the approved plans as that provides certainty. I have specified a condition that the external surfaces of the extension shall match those used in the existing building in the interests of the character and appearance of the area.

Conclusion

9. For the reasons given above and having considered all matters raised, I conclude that the appeal should be allowed.

Philip Lewis

INSPECTOR