
Appeal Decision

Site visit made on 2 May 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 17th May 2017

Appeal Ref: APP/N4720/D/17/3172628
58 Carr Manor View LS17 5AQ

- 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).
 - The appeal is made by Mrs Farzana Qayum against the decision of Leeds City Council.
 - The application Ref 17/00787/DHH, dated 6 February 2017, was refused by notice dated 6 March 2017.
 - The development proposed is proposed rear single storey extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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 property is a modest traditional semi-detached house. The proposed development which would extend over the whole width of the property, would project 5 m and be 2.5 m to the eaves, and 3.2 m to the ridge. As such it would benefit from provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 4. There is no dispute between the parties that the proposal falls within the scope of the GPDO.
 5. Having notified the neighbours of the proposed development, an objection was received by the Council from the occupants of no 717 Scott Hall Road, resulting in the need for the Council's prior approval in respect of the amenity of neighbouring premises. This was refused.
 6. It is no part of the Council's case that the proposed single storey extension would have any impact on the living conditions of the residents of no 717 Scott Hall Road. From what I saw on site, given the relatively generous depth of the
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garden, and that the development would be at ground floor only, there is no reason for me to disagree with this conclusion that there would be no adverse impact on the occupiers' living conditions, in relation to overlooking, overdominance or loss of light.

7. The proposed development would replace a small conservatory which extends across half the width of the property, and sits close to the low hedge which forms the shared boundary with number 56 Carr Manor View. I note that there were no objections received from the occupiers of number 56 Carr Manor View. However, I must consider the effect of the proposed development on the living conditions of those occupying the neighbouring property, both now and in the future. I observed a door with a side panel and vertical blinds closest to the proposed extension, as well as a larger kitchen window.
8. I am aware that the door opening is not large and that the kitchen window is set further away, and that the existing conservatory already has an impact on the neighbours' living conditions. Nonetheless, I consider due to the relative closeness of the extension and the very low existing hedge which would not soften the impact of the proposed extension, the size of the proposed development would result in an oppressive and overbearing impact on the living conditions of those living in the neighbouring property when viewed from within the property. Moreover, the area of garden closest to the house would appear to be sandwiched between a garage and the boundary wall. This would impact adversely on the enjoyment of the garden area closest to the house.
9. I note too that the proposal would extend further than that considered to be appropriate within the Householder Design Guide April 2012.
10. I have been informed by the appellant that a similar application for a proposed rear single storey extension had been made by the occupants of no 56 Carr Manor View and that approval had been granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Nonetheless, I am not aware whether any objections had been received in that case.
11. However, there is nothing before me to doubt that a similar application had been made. Indeed, I noted at my site visit that both houses had undergone similar roof extensions in the past.
12. Nonetheless, there is no certainty that both proposed extensions would be implemented at the same time, and that the adverse impact on the living conditions of occupants of no 56 Carr Manor View would be avoided. Moreover, I am only able to consider the merits of this case solely on the basis of the impact on the amenity of any adjoining premises of the proposal before me.
13. For the reasons given above, I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR