

Appeal Decision

Site visit made on 3 May 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/N4720/D/17/3169994

3 Ings View, Methley, Leeds LS26 9JZ

- 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 R Harding against the decision of Leeds City Council.
 - The application Ref 16/07448/FU, dated 25 November 2016, was refused by notice dated 25 January 2017.
 - The development proposed is a part first floor extension over garage; and part two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the living conditions of the residents of 46 and 48 Lower Mickletown with regard to light and outlook; and the effect on the character and appearance of the area.

Reasons

3. The appeal property lies immediately to the south of 46 and 48 Lower Mickletown. It has a two storey side gable that faces directly towards number 46 although it is set away from the boundary, beyond the narrow side passage and the single storey garage. As the appeal property is set at a higher level, despite the distance of the gable from the boundary, it is already a prominent feature when in the rear garden and rear facing rooms of number 46. The proposal would bring the gable closer to the boundary and it would also increase its bulk by extending it deeper into the site.
 4. The rear garden of 46 Lower Mickletown is of relatively modest depth. The imposition of such a large side facing gable, so close to the boundary, would result in it being overly dominant and imposing. The differing levels would increase its impact. I acknowledge that there is a shed and high fence between the dwellings but these features would not prevent the new structure from being overbearing when in the garden and rear facing rooms of number 46. The living conditions of those residents would be unacceptably harmed with regard to outlook.
 5. The new gable would only extend a short distance along the shared boundary with 48 Lower Mickletown. Although it would be imposing when within that
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garden and it would reduce outlook, I am not satisfied that its presence would be sufficient to unacceptably harm the living conditions of those residents as they would retain a relatively open aspect beyond it.

6. The adjacent properties are separated sufficiently from the proposal to ensure that light levels within the rear facing rooms would not be materially altered. The existing form of the appeal property already causes some shading throughout the day but given that the sun would be at its highest when this proposal would have its greatest impact, I am not satisfied that any increase in shading during late morning and early afternoon would unacceptably harm the living conditions of the residents of either adjoining property.
7. I conclude that the proposal would not be unacceptably harmful with regard to loss of light or an increase in shading. It would however, unacceptably harm the living conditions of the residents of 46 Lower Mickletown with regard to loss of outlook. Although the impact on number 48 would not be as significant, it would not be a positive feature of the development. Saved Policy GP5 of the Unitary Development Plan Review 2006 (UDP) seeks to avoid loss of amenity. I find clear conflict with this requirement. As it accords with the objectives of the *National Planning Policy Framework*, I afford it considerable weight.
8. The Council's Householder Design Guide 2012 includes minimum distance guidelines with regard to the proximity of windows to development. The proposal would be contrary to the guidelines but I acknowledge that the shortfall would be limited. However, the increased depth of development and the changing levels would result in the proposal having a greater impact, particularly with regard to the living accommodation within 46 Lower Mickletown.
9. The Council make reference to Policy P10 of the Core Strategy 2014 but this is a general design policy, which makes reference to some amenity issues. It is of more relevance to the impact of the proposal on the quality of the wider area. UDP Policy BD6 has similar design aspirations. Policy BD5 relates to light levels. I do not find conflict with these policies in relation to the proposed works.
10. The Council are concerned that the extension would result in pressure to prune or remove existing trees which are subject to a Tree Preservation Order. The trees have already been the subject of crown lifting and thinning. Although the proposed fourth bedroom would be in close proximity to part of the canopy, I am not satisfied that in future, this would reduce the levels of amenity within that room to a point that would justify works that would significantly alter the character or appearance of these trees. I am not persuaded therefore that the proposal would be contrary to the Council's design policies or UDP Policy LD1 which seeks to protect existing landscaping.
11. I acknowledge that the neighbours have not written to object to this proposal and I note the information provided by the appellant that suggests that they support it. This does not conclusively demonstrate that the proposal would be satisfactory to them or to future occupants once built. In any event, I have to consider the proposal on its merits and assess the impact that would result. The removal of the existing landing window would be a benefit to the neighbouring residents with regard to privacy.

12. The proposal would benefit the appellant's growing family but this, together with the other matters put forward, are not sufficient to outweigh my concern that the extension would unacceptably harm the living conditions of the residents of 46 Lower Mickletown with regard to outlook. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR