

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/17/3171054

26 Sheridan Way, Pudsey, Leeds, West Yorkshire LS28 9NU

- 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 T Sharrocks against the decision of Leeds City Council.
 - The application Ref 16/07753/FU, dated 3 December 2016, was refused by notice dated 6 February 2017.
 - The development proposed is a first floor side extension
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 27 and 28 Sheridan Way with regard to outlook.

Reasons

3. The arrangement of this property and its neighbours is such that 27 and 28 Sheridan Way have their rear windows facing towards the side gable of number 26. The appeal property has a side passage which would be retained and therefore the proposed works would be set away from the side boundary which forms the rear boundary of the neighbouring gardens. These gardens are of relatively standard depth for modern houses but the layout ensures that the distance from the rear windows to the appeal property is less than would normally be expected for houses that are set back to back. The distance of habitable accommodation from the rear boundary is even more limited as both neighbouring dwellings have a rear ground floor extension/conservatory.
 4. The flank gable of the appeal property does not have any windows within it but it is already relatively imposing when within the garden and rear facing rooms of the neighbouring properties. The proposal would bring first floor development closer to these rear facing rooms and gardens. I agree with the Council's concern that the first floor side extension would appear overly dominant. It would be overbearing and oppressive to the residents of 27 and 28 Sheridan Way when in their ground floor rear facing rooms and their gardens; and when in the nearest conservatory. It would unacceptably reduce the living conditions of those residents with regard to outlook.
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5. Saved Policy GP5 of the Unitary Development Plan Review 2006 (UDP) seeks to avoid loss of amenity. I find clear conflict with this policy. As it accords with the objectives of the *National Planning Policy Framework*, I afford it considerable weight. The Council's Householder Design Guide 2012 includes minimum distance guidelines with regard to the proximity of windows to neighbouring properties. These would not be satisfied, particularly with regard to the living accommodation within the conservatory of 27 Sheridan Way.
6. The Council make reference to Policy P10 of the Core Strategy 2014. 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 requirements. I agree with the appellant that the proposal would have a satisfactory appearance from public vantage points and would not conflict with these policies.
7. Reference has been made to a two storey extension that has been permitted at 8 Sheridan Way. The arrangement of that property and its neighbour is significantly different. The lack of concern raised by the residents of 27 and 28 Sheridan Way does not conclusively demonstrate that the proposal would be satisfactory to them or to future occupants.
8. The design of the proposal would be acceptable with regard to the impact on the character and appearance of the area. However, there are no matters sufficient to outweigh my concern with regard to the impact on the living conditions of the neighbouring residents. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR