
Appeal Decision

Site visit made on 4th August 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 24 August 2017

Appeal Ref: APP/N4720/D/17/3176962
24 Beacon Grove, Morley, Leeds, LS27 9HJ.

- 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 D Papozynski against the decision of Leeds City Council.
 - The application Ref: 17/01076/FU, dated 10 February 2017, was refused by notice dated 13 April 2017.
 - The development proposed is first floor bedroom extension and detached garage.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor bedroom extension. The appeal is allowed insofar as it relates to detached garage and planning permission is granted for detached garage, at 24 Beacon Grove, Morley, Leeds, LS27 9HJ, in accordance with the terms of the application Ref: 17/01076/FU, dated 10 February 2017 and the plans submitted with it [so far as relevant to that part of the development hereby permitted] and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Floor Plans, Elevations and Location Plan dated 30.01.2017; First Floor Bedroom Extension and Detached Garage dated 1.2.2017.

Main Issues

2. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) the living conditions of occupiers of No 26 Beacon Grove by virtue of the potential for overdominance and overshadowing effects.

Reasons

3. The appeal site comprises a modern mid terraced property. The houses are set in a staggered relationship relative to each other which results in a punctuated rear building line. Because of this, the proposed first floor extension would project around 2.5 metres from the rear of the appeal property, but only around 1.5 metres from the rear façade of the adjoining neighbour No 26.
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4. As a result of the limited rearwards projection of the extension and its siting in a partial reveal between the rear of the appeal property and side of No 26, the proposal would appear as a modest addition to the terrace which would not unduly draw the eye. Given its limited footprint and as it would occupy less than half the width of the rear elevation, I cannot agree that it would appear visually over dominant. The boxy form imparted by its flat roof would reflect that of the existing flat roofed single storey extensions to the rear of the terrace and would not look out of place in the context of the strong horizontal emphasis imparted by the deep fascia boards at eaves level.
5. I thus find that the proposal would integrate satisfactorily with the host property and the wider terrace of which it forms part. Accordingly, I find no conflict with the relevant parts of Policy P10 of the Leeds Core Strategy (2014), Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) (UDP), or the guidance in the Leeds Local Development Framework *Householder Design Guide* Supplementary Planning Document (2012) (SPD). These seek to resolve detailed planning considerations including design and ensure that new development including alterations and extensions, respects both the scale and form of the original building and its wider setting.
6. In relation to the second main issue, the side of the extension would stand virtually adjacent to the side of the first floor window in No 26, which the parties agree serves a bedroom. The rearwards projection would exceed the guidance set out in the SPD which seeks to ensure that as a general rule of thumb, first floor extensions sited on a common boundary should not project more than 1m beyond a neighbouring rear elevation in order to comply with the 45° code.
7. I take the appellants point that No 26 has a south westerly facing rear aspect and the impact of the proposal in relation to overshadowing would be confined to the early part of the day. In that respect, I find the appeal proposal acceptable. However, I have concerns in relation to overdominance as the side of the proposed extension would stand very close to the side of the window. Because of this, it would significantly intrude into the outlook therefrom, presenting a significant expanse of blank brick wall in very close proximity, which would appear oppressive. The fact the window serves a bedroom and not a living room does not overcome my concerns in this regard.
8. I appreciate that the occupiers of No 26 have raised no objections to the appeal scheme, but that does not render it acceptable on its planning merits and I must also consider the perspective of future occupiers. I also accept that the guidance in the SPD is precisely that and it is not a set of rigid standards. Nonetheless, in this particular case, the extension would project significantly in excess of the 1 metre guideline for first floor extensions along the common boundary and I find no compelling factors to mitigate its impact.
9. On the second main issue, I thus conclude that whilst the proposal would not create unacceptable over shadowing, it would nonetheless be unduly dominant in relation to the bedroom window of No 26. This would bring it into conflict with the relevant parts of Policy P10 of the CS, Policy GP5 of the UDP and Policy HDG2 of the SPD. These seek to ensure that development avoids loss of amenity, including the amenity of neighbours through amongst other things, overdominance. However, I find nothing in Policy BD6 which supports the

Councils case on this particular issue as it is concerned with the visual impact of proposals.

10. Although I have found in favour of the appeal on the first main issue, this is nonetheless outweighed by my concerns in relation to the over dominance of the proposed extension in relation to the occupiers of No 26. These concerns also outweigh any personal benefit the appellant would derive from the improved accommodation the proposal would afford.
11. The application included a detached garage to the rear of the property which does not form the basis of the Councils refusal. I also have no concerns in relation to this element of the proposals. As it is clearly severable from the balance of the development, I shall allow the appeal in relation to that particular element, but dismiss it in relation to the first floor extension.
12. In addition to the standard time limit condition for the commencement of development, a condition confining the permission to the submitted plans is necessary for certainty. The Council also suggest a matching materials condition, but this is superfluous as matching brickwork is indicated on the submitted drawing and any material deviation therefrom would require further permission.

ALISON ROLAND

INSPECTOR