
Appeal Decision

Site visit made on 25 July 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 29 August 2017

Appeal Ref: APP/N4720/D/17/3169916

15 Plane Tree Grove, Yeadon, Leeds LS19 7AR

- 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 Julie Binks against the decision of Leeds City Council.
 - The application Ref16/07441/FU, dated 22 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is a proposed extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension at 15 Plane Tree Grove, Yeadon, Leeds LS19 7AR, in accordance with the terms of the application Ref 16/07441/FU, dated 22 November 2016 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 Plan and Elevations' and 'Proposed Floor Plan and Elevations', as submitted with the planning application Ref: 16/07441/FU, dated 22 November 2016.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials as shown on the approved plan 'Proposed Floor Plan and Elevations', as indicated in Condition 2.

Procedural Matter

2. The description of development has been changed from that which appears on the application form and as set out in the banner above to that which is on the Decision Notice. The Decision Notice description more accurately describes the proposed development as a single storey rear extension. For this reason, I have used that description in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, with regard to dominance and outlook.

Reasons

4. The appeal property is a semi-detached house, paired with 13 Plane Tree Grove (No.13) and has been previously extended at the rear by around 3 metres. The previous extensions are at single storey height adjacent to the boundary

with No.13 and at two storey height to the far side of the appeal property, furthest from No.13. The proposed flat roof, single storey extension would extend both elements out around a further 3 metres at a height of approximately 2.5 metres and would be set about 150mm in from the boundary with No.13. Furthermore, the existing single storey rear extension at the appeal property has a pitched roof and extends along the adjoining boundary with No.13 approximately 3 metres. In addition, the boundary treatment between the two properties comprises a 1.8m high boundary wall and fence.

5. No.13 has no rear extensions. However, there is a patio door and kitchen window at ground floor level and a bedroom window and obscured glazed bathroom window at first floor level on its rear elevation which look out over the rear garden.
6. I note that the proposed extension would result in the built form of the appeal property extending a significant distance along its shared boundary with No.13 and from the rear elevation of No.13. Furthermore, it would be at a height of around 2.5 metres. However, having had regard to the position of the patio door and the rear bedroom window on the first floor, I find that the proposal would not materially diminish the outlook from the habitable rooms at the rear of No.13.
7. The proposed extension would have a flat roof and would remove the pitched roof on the existing single storey rear extension. This would reduce the impact on the outlook of the occupiers of No.13 to some extent in terms of its effect on the patio door. As such, it would have some positive benefit. However, I acknowledge that from the first floor rear bedroom window the benefit of removing the pitched roof would be minimal due to the extent of the existing two storey rear extension at the appeal property.
8. Furthermore, I note that the visible extent of the proposed extension, as seen from the patio door of No.13, would be mostly screened by the new boundary wall and fence with approximately 700mm of the proposed structure appearing above the boundary treatment. Although it would be partly visible above the boundary wall and fence, having considered all of the above, I find that the proposal would not have any significant impact in terms of dominance or creating a sense of enclosure which would materially diminish the outlook of the occupiers of No.13 from either the patio door or the first floor bedroom window.
9. I note the appellant's argument that the proposed extension is effectively permitted development as it would be within the current parameters of permitted development rights which are applicable until 30 May 2019. Furthermore, from what I have seen and read, I am led to understand that there has been no objection to the proposal from neighbours who have been consulted.
10. In addition, I have had due regard to the previous appeal decision¹ relating to a proposed extension at the appeal site as a material consideration in this case. I note that previous scheme also proposed a rear extension. However, it differed to that which is before me in terms of its size, scale and design. Notwithstanding this, I have assessed the appeal proposal before me on its

¹ Appeal Reference: APP/N4720/D/16/3153152

own merits and circumstances and against relevant national and local planning policies and guidance. As a result, I find that the proposed development would not result in any material impact on the living conditions of neighbouring occupiers, particularly those at No.13, with regard to dominance and outlook.

11. The proposed development would extend the appeal property by a significant distance along its shared boundary with No.13. However, its height, scale and external materials would not result in its impact on neighbouring occupiers being significant in terms of outlook and dominance. Furthermore, the impact of the proposal on the occupiers of No.13 would be further reduced by the screening effect of the new boundary treatment and, to a lesser extent, by the removal of the pitched roof on the existing single storey extension. In addition, the proposal would provide improved living conditions for the appellant. Having had regard to all of the above, I find that the benefits of the proposal would outweigh the limited harm to the outlook of neighbouring occupiers which I have identified.
12. Consequently, I conclude that the proposed development would have no significant detrimental impact on the living conditions of neighbouring occupiers with regard to dominance and outlook. Therefore, it would comply with Policy P10 of the Leeds Core Strategy, saved Policy GP5 of the Leeds Unitary Development Plan (Review) 2006 and Policy HDG2 of the Householder Design Guide. Amongst other matters, these policies and guidance seek to ensure that development has no adverse effect on the living conditions of existing, neighbouring and future occupiers.

Conditions

13. I have had regard to the planning conditions that have been indicated by the Council in the event that the appeal was allowed. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance.
14. In addition to the standard implementation condition relating to time (1), I have imposed conditions specifying the approved plans (2) and ensuring that the external materials of the development permitted are in accordance with the approved plans set out in Condition 2. These conditions are necessary and reasonable to provide certainty and in the interests of the living conditions of neighbouring occupiers.

Conclusion

15. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

Andrew McCormack

INSPECTOR