
Appeal Decision

Site visit made on 22 January 2018

by Geoff Underwood BA(Hons) PGDip (Urb Cons) MRTPI IHBC

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

Decision date: 26 February 2018

Appeal Ref: APP/N4720/D/17/3180527

28 Brownberrie Avenue, Horsforth, Leeds LS18 5PN

- 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 David Whitworth against the decision of Leeds City Council.
 - The application Ref 17/01534/FU, dated 8 March 2017, was refused by notice dated 4 May 2017.
 - The development proposed is a side and rear two storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect the proposed development would have on the living conditions of the occupiers of 30 Brownberrie Avenue.

Reasons

3. The appeal building is a semi-detached house in a street of similar properties. Its gable elevation is separated from the adjoining property at No 30 by the narrow, parallel driveways of both properties. The appellant notes that a ground floor window in No 30's flank elevation facing the appeal site serves a bedroom. There are two other ground floor windows and a partly glazed door and porch in that elevation but I have no information as to whether those serve habitable rooms.
4. The proposed extension would occupy much of the existing width of the driveway and would be positioned just off the party boundary. It would have a two storey element set back just over half the existing gable width and with a single storey element recessed from the front elevation. Notwithstanding the set back at the front, the proposal would project to the rear and result in a considerable building along the boundary, including opposite the ground floor habitable room window.
5. The proposed height and extent along the shared boundary would mean that the extension would greatly increase the sense of enclosure to the side of No 30 experienced both outside and inside that property resulting in an oppressive effect. The orientation of the proposed extension to the south of No 30 would also mean that levels of day light, and at certain times sun light, received through flank elevation windows would be significantly reduced.

6. The rearward continuation of the proposed extension would be adjacent to No 30's garage and these adverse effects are unlikely to extend to the garden or the rear of the property. Nevertheless, even with the deep first floor set back from the front elevation, the proposal would result in material harm to the living conditions of the occupiers of No 30. I can appreciate that the configuration of the existing building and site might make extending the property challenging, but the benefits to the appellant in providing more space for his family would be private ones and would not outweigh this harm.
7. The development would be contrary to the residential amenity protection requirements of Core Strategy¹ Policy P10 and saved UDP² Policy GP5. It would also be contrary to supporting Council guidance³ which seeks to protect neighbours' amenity and strongly resists extensions that would cause excessive overshadowing or over dominance. In particular the proposal would exceed its recommendations that two storey extensions should maintain at least a 1m gap to the side boundary and project to the rear by a maximum of 1m along a common boundary. The proposal would not accord with the National Planning Policy Framework's core planning principle of always seeking to secure a good standard of amenity for all existing occupants of land and buildings.

Other Matters

8. The appellant has referred me to a number of other side extensions on or close to the party boundaries elsewhere on Brownberrie Avenue. Most of these are single storey extensions which will have had a materially different effect to that of a two storey extension. Although less than recommended in the guidance according to the appellant's figures, the two storey extension at No 45 is nevertheless set back from the boundary and situated to the north of its neighbour; a materially different relationship to that of the appeal proposal. In any event I do not have details of the circumstances which led to these extensions and I have considered the appeal proposal on its own merits. These other local examples do not, therefore, lead me to a different conclusion.
9. I have noted the change in circumstances relating to an objection to the scheme and that this focused on accessibility and encroachment concerns, but this does not alter my view on the harm that would arise. Saved UDP Policy BD6's design requirements are considerably less pertinent to the main issue raised by this appeal.

Conclusion

10. For the above reasons, and having had regard to all matters raised, the development would harm the living conditions of the occupiers of No 30, contrary to the development plan, Council guidance and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

¹ Leeds Local Development Framework Development Plan Document - Core Strategy, 2014.

² Leeds Unitary Development Plan (Review 2006) Written Statement.

³ Leeds Local Development Framework – Householder Design Guide Supplementary Planning Document, 2012.