
Appeal Decision

Site visit made on 14 January 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/N4720/D/19/3239400

5 Greenway, Scarcroft, Leeds LS14 3BJ

- 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 Umar Zaman against the decision of Leeds City Council.
 - The application Ref 19/02533/FU, dated 24 April 2019, was refused by notice dated 10 October 2019.
 - The development proposed is a 4.9 metre ground floor extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which accurately describes the proposal.
3. At the time of my site visit, I saw that the development of the extension had commenced but had not been completed. For clarity, I have assessed the proposals based on the plans submitted with the application. The property is currently in the process of being extended to the side and roof with the formation of dormer windows. These elements do not form part of the proposals before me.

Main Issue

4. The main issues in this appeal are:
 - The effect of the proposed development on the living conditions of the occupants of No 6 Greenway with particular reference to outlook.

Reasons

5. The appeal property is a semi-detached bungalow in a cul-de-sac of similar properties. The attached neighbouring property (No 6) has a single storey extension to the rear which is off set from the shared boundary. A small patio area is located between this existing extension and the boundary with the appeal site.

6. The Leeds Householder Design Guide Supplementary Planning Document (2012) (SPD) advises that 3m extensions on the common boundary are normally considered acceptable. The proposal would extend in close proximity to, and along the boundary, in excess of this 3m guideline. Whilst I give weight to the SPD, conflict with the guidance is not in itself a planning harm nor does it necessarily equate to a breach of development plan policy.
7. Due to the length of projection in such close proximity to the boundary the proposal would be dominant from the patio area and the adjacent rear ground floor window. This dominance would be exacerbated by the existing rear projection creating an unduly hemmed in feeling and sense of enclosure.
8. I recognise that there is an existing fence along the boundary. However, even if the existing fence were replaced with a 2m high fence under permitted development (PD) rights the proposal would still be greater in scale and dominate above the fence line. As such the presence of the fence does not overcome my concerns on this matter.
9. The current occupiers of No 6 have not submitted any written representations to the proposed development. However, it is the function of the planning system to secure good living conditions for existing and future occupants of buildings and in this regard, in relation to outlook, the proposal falls short of this goal.
10. The appellant states that a rear extension built under PD rights would have a greater impact than the proposed development. This would be subject to a neighbour consultation scheme. Although the occupiers of No 6 did not submit a written representation regarding the proposal before me, I can not be certain that a future consultation would not result in a representation at that time. As such, I do not attach significant weight to this stated fallback position.
11. I note the appellant's view that the increased flexibility of PD rights to build large extensions indicate that policy makers are taking a more favourable view of extensions. In this regard, I confirm that I have assessed the proposal based on the relevant planning policies.
12. I therefore conclude that by reason of its length of projection and siting close to the boundary, the proposal would result in significant harm to the living conditions of the occupiers of No 6 with particular reference to outlook. The proposal would therefore fail to comply with the requirements of Policy P10 of the Leeds City Council Core Strategy (CS) adopted 2014, saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (UDP) (Review 2006) and Policy HDG2 of the SPD. Collectively, amongst other things, these seek to secure a good standard of living conditions for existing residents.
13. Policy P10 of the CS and policies GP5 and BD6 of the UDP are consistent with the provisions of the National Planning Policy Framework and can therefore be given significant weight.

Other Matters

14. Due to the orientation of the proposed development in relation to the neighbouring property, height of the sun and height of the proposal, in my view, there would be no unacceptable shadowing effects to either the garden or rear windows of No 6. However, the lack of harm in this respect, does not

outweigh the significant harm I have identified to the living conditions of the occupiers of No 6 with particular reference to outlook.

Conclusion

15. For the above reasons and having had regard to all matters raised the appeal is dismissed.

Robert Walker

INSPECTOR