



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/19/3239366

2A William Street, Churwell, Morley LS27 7RE

- 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 Kristian Poppleton against the decision of Leeds City Council.
 - The application Ref 19/02742/FU, dated 1 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is to change existing prefabricated garage for steel constructed garage. Forming a decking area on top of the garage the extend to the rear of the house.
-

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 development.
3. The development subject of this appeal is in situ therefore, I am considering the appeal retrospectively.
4. The Council's decision notice and delegated report refer to No 4 William Street as bordering the appeal site. The appellant has highlighted that this is incorrect, and the neighbouring property is No 2b. Based on the plans before me and my observations on site I agree, and I have assessed the appeal on this basis.

Main Issues

5. The main issues in this appeal are the effect of the development on:
 - the living conditions of the occupants of No 2 and 2b William Street with particular reference to privacy; and
 - the character and appearance of the surrounding area;

Reasons

Living conditions

6. The appeal site is a detached house on a row of similar properties, many of which have been altered and extended. It is positioned between No 2 William Street (No 2) and No 2B William Street (No 2B). No 2 has been extended to the rear, off which is a small raised deck and steps leading down to a larger lower decked area. No 2B has also been extended at the lower ground level with the roof of the extension used as a small balcony. The remainder of the rear garden is on a lower ground level.
7. Due to the length of projection and height the raised decking allows views back to the rear habitable windows of both neighbouring properties but particularly the windows of No 2B. The raised decking projects along the length of the rear garden at a significantly higher level to both the rear gardens of No 2 and 2B. Moreover, it has a low balustrade fence and the combination of which allows unobstructed direct views down into the gardens of both neighbouring properties. The combination of which results in a significant level of overlooking to the gardens of both No 2 and 2B.
8. I recognise that the occupiers of No 2 and 2B have not submitted any representations regarding the development. However, it is the function of the planning system to secure good living conditions for existing and future occupants of buildings.
9. On the first main issue, I therefore conclude that by reason of its height, length of projection and position in relation to the neighbouring gardens, the raised decking is harmful to the living conditions of the occupiers of both No 2 and 2B with particular reference to privacy.
10. The development therefore fails to comply with the requirements of saved Policy GP5 of the Leeds Unitary Development Plan (UDP) (Review 2006) and Policy HDG2 of the Leeds Householder Design Guide Supplementary Planning Document (2012) (SPD). Collectively, amongst other things, these seek to secure a good standard of living conditions for existing residents.
11. Policy GP5 of the UDP is consistent with the provisions of the National Planning Policy Framework (the Framework) and can therefore be given significant weight. The development also conflicts with the requirements of paragraph 127 of the Framework which seeks, amongst other things, to ensure good standards of living conditions for existing occupants.

Character and appearance

12. Many of the neighbouring properties have garages at the end of the rear garden which border onto Grange Street. The appellant highlights that a number of these properties have also been altered and extended in a variety of ways, including with the creation of raised gardens and decking areas. However, I do not have any details of how they came to exist. Hence, I cannot be sure that they are directly comparable to the appeal scheme.
13. I do recognise that there is no overriding consistency or pattern in the manner of these extensions and alterations. However, between No 2 and No 4 William Street the development before me is the only raised decking that extends to the end of the garden. As a result, and within this group of properties, due to

the scale and massing of the development, it appears as a prominent and obtrusive feature.

14. I recognise that views of the development are limited to Grange Street and private views from surrounding neighbouring properties. Moreover, the nature of the build is that it would not last as long as more permanent structures. Nonetheless, in my view, the development does result in a significantly harmful effect on the character and appearance of the area and although not permanent it would be in situ for a number of years.
15. The development therefore fails 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 UDP and the SPD. Collectively, amongst other things, these seek to ensure that alterations are of an appropriate scale and design to the existing building and the wider context.
16. Policy P10 of the CS and policies GP5 and BD6 of the UDP are consistent with the provisions of the Framework. I therefore conclude that the development conflicts with the guidance within section 12 of the Framework including paragraph 127, which broadly seeks to secure high quality design.

Other Matters

17. Concerns regarding the processing of the application, including matters relating to the assessment in the officer's report are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me. I have therefore not given this significant weight in the overall planning balance.
18. I accept that the appellant is seeking to make an effective use of the garden space. I also note that the appellant was willing to make changes to the development with the view to finding a solution. However, personal circumstances will seldom outweigh more general planning concerns and I must determine the appeal based on the merits of the scheme before me. Such matters therefore do not outweigh my concerns relating to the effect on the living conditions of No 2 and 2B and the character and appearance of the area.

Conclusion

19. I have taken account of all the other matters raised. However, none changes the balance of these findings and the harm I have identified. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR