



Appeal Decision

Site visit made on 4 February 2020 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/N4720/D/19/3238686

243 Spen Lane, West Park, Leeds, LS16 5EL

- 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 Rezan Osman against the decision of Leeds City Council.
 - The application Ref 19/04242/FU, dated 2 July 2019, was refused by notice dated 3 September 2019.
 - The development proposed is described as 'retrospective application for outbuilding'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues for consideration are the effect of the proposal on the living conditions of the occupiers of neighbouring properties on Spen Lane and Old Oak Drive with regards to outlook and visual amenity and No.3 Old Oak Drive with particular regard to potential overshadowing.

Reasons

4. The appeal site is the rear garden of a semi-detached, two-storey, red brick dwelling located off Spen Lane. The garden is bordered by several properties on either side on both Spen Lane and Old Oak Drive. At the time of my site visit the development was complete and comprises a single-storey brick storage unit to the rear, with a courtyard style open front covered by a steel-framed roof with some stonework to the front and sides.
5. My attention is drawn to the Householder Design Guide Supplementary Planning Document (the SPD). This advises through Policy HDG2 that development proposals should protect the amenity of neighbours, including when assessing impacts relating to overshadowing and overdominance.
6. No's 237, 239 and 241 Spen Lane are located opposite the outbuilding perpendicular in their layout. I noted on the site visit that several windows at

ground and first floor level have had their outlook obscured by the outbuilding, with the stone walls of the structure forming a dominant solid boundary at the end of relatively short gardens. This has caused harm to the living conditions of the occupiers of these properties though the creation of an overbearing sense of enclosure, which affects outlook from the windows and from within the gardens themselves, contrary to the aims of the SPD.

7. On the opposite side of the outbuilding, No's 1 and 3 Old Oak Drive, as well as the adjoining property at 245 Spen Lane, would have views of the structure. However, views from 245 Spen Lane and No.1 Old Oak Drive to the development would be at an oblique angle and neither shares an adjoining wall with the outbuilding. Furthermore, the height of the outbuilding does not extend far above the existing fence separating the properties. While No.3 Old Oak Drive does share an adjoining wall with the development, it would still include views out over a long garden and I am not convinced this would create a sense of enclosure or have an unduly overbearing impact when viewed from windows or the area of garden immediately outside the rear of the property given the height of the wall. As such, I would not consider there to be significant harm to the living conditions of any of these properties with regards to its overbearing impact or in terms of loss of outlook.
8. Further regard is had to the impact of the development on No.3 Old Oak Drive. Evidently, before the construction of the outbuilding, a hedge was in place on the shared boundary which was removed to facilitate the development. I note from the plans the outbuilding has a shallow pitched roof which is partially open to the sides, although there is a wall beneath the roof falling just below the attached fence line. While I have no information on how tall the former hedge was, given the height of the wall and its distance from the rear elevation of No.3 Old Oak Drive it would be unlikely to cause overshadowing to rear windows or the garden near the house. Any overshadowing would likely be concentrated on the bottom of the garden and as such, would not cause significant harm to living conditions of occupiers of the property with regards to overshadowing.
9. To conclude, the proposal creates a harmful effect on the living conditions of the occupiers of occupiers of 237, 239 and 241 Spen Lane with regards to loss of outlook and an overbearing impact. The development is therefore contrary to the guidance contained within the SPD, Policy P10 of the Leeds Core Strategy, Policy GP5 of the Leeds Unitary Development Plan (Review) and paragraph 127 of the Framework. Collectively these seek to ensure development protects the visual, residential and general amenity of the area for existing and future users.

Other Matter

10. Neighbouring residents, and the Council, have raised concerns about the appearance of the structure. Although this is not a matter directly referred to in the decision notice, given its size, its unconventional appearance and external materials, I share this concern. However, as I am recommending that the appeal is dismissed for other reasons, this matter has not in itself been determinative.

Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR