
Appeal Decision

Site visit made on 3 February 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 7 April 2020

Appeal Ref: APP/N4720/D/19/3241483

26 Tredgold Avenue, Bramhope, Leeds, LS16 9BU

- 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 William Shaw against the decision of Leeds City Council.
 - The application Ref 19/04212/FU, dated 8 July 2019, was refused by notice dated 30 August 2019.
 - The development proposed is "Removal of detached garage and construction of a single storey rear extension. Construction of a rear dormer window. Widening of access drive by 0.45m and dropped kerb by 0.9m."
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Decision

1. The appeal is allowed and planning permission is granted for removal of detached garage and construction of a single storey rear extension; construction of a rear dormer window; widening of access drive by 0.45m and dropped kerb by 0.9m at 26 Tredgold Avenue, Bramhope, Leeds, LS16 9BU in accordance with the terms of the application, Ref 19/04212/FU, dated 8 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Proposed Elevations and Floor Plans 1925-01B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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 Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 28 Tredgold Avenue with particular regard to outlook and daylight.

Reasons

4. 26 Tredgold Avenue is a semi-detached property situated within an established residential area, constructed of stone and render with a pitched roof. There are properties of similar size and styles in the local area
5. The proposal has several elements including a rear dormer and widening of the driveway. The reason for refusal is only concerned with the impact of the single storey side and rear extension so I have restricted my considerations to this element of the proposal.
6. The Leeds Local Development Framework Householder Design Guide Supplementary Planning Document 2012 (SPD) HDG2, includes guidance for extensions close to a common boundary including insets from the common boundary. The guidance recommends that extensions that are flush with the common boundary should be limited to 3m and with an inset should meet the 45-degree code.
7. In this case the proposed extension would project 4m from the rear wall of the dwelling. While it would be inset some 0.45m from the common boundary with the neighbouring property, it would nevertheless be located in close proximity to the ground floor living room window of the adjoining semi-detached dwelling and the Council is concerned that it would not meet the 45-degree guidance in respect of that window. On that basis, the proposal would not satisfy the guidance of the SPD.
8. However, the extension would be constructed with a flat roof, and as such its height would be limited. Moreover, the extension would be set down from the ground floor level of the dwelling reflecting the change in land levels across the site. There is a vegetation clad fence between the two properties, which already restricts outlook. The extension would not be significantly higher than the fence and given that the extension would be set away from the boundary, it is unlikely that it would be overbearing when viewed from the adjoining property. Consequently, whilst I acknowledge the Council's concern about the projection of the extension, the impact of the proposal on the neighbouring property in terms of outlook from the living room window would be limited. Similarly, due to the position of the proposed extension and the existing boundary treatments there would not be a significant loss of daylight to the adjoining property.
9. Consequently, the proposal would not cause significant harm to the living conditions of the neighbouring occupiers. As such the proposal would be consistent with Policy P10 of the Leeds Core Strategy (2014) and saved Policy GP5 of the Leeds Unitary Development Plan Review (2006) which seek to ensure that development is of a high quality design and does not cause harm to living conditions.

Conditions

10. In addition to the standard timescale condition, it is necessary to impose a condition specifying the relevant drawings as this provides certainty. A condition relating to materials is also necessary in the interests of safeguarding the character and appearance of the area.

Conclusion and Recommendation

11. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

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 allowed.

Susan Ashworth

INSPECTOR