
Appeal Decision

Site visit made on 16 June 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2020

Appeal Ref: APP/N4720/D/20/3245855

26 Inglewood Drive, Otley LS21 3LD

- 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 & Mrs Fisher against the decision of Leeds City Council.
 - The application Ref: 19/06995/FU, dated 11 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is a part single / part two storey side / rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a part single / part two storey side / rear extension at 26 Inglewood Drive, Otley LS21 3LD in accordance with the terms of the application, Ref: 19/06995/FU, dated 11 November 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 Scale 1:1250, 3099/04/101, 3099/04/102, 3099/04/103, 3099/04/201, 3099/04/202, 3099/04/203, 3099/04/204, 3099/04/301, 3099/04/302
 - 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.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 27 Inglewood Drive (No 27) by way of visual impact and outlook.

Reasons

3. The appeal property comprises a semi-detached house. On its rear elevation is a single storey element and a raised rear porch-like structure. The house is set in from the side boundary with No 27. The area up to the boundary contains a gated access which permits entry to the rear garden.
4. The side of the house at No 27 is also set in from the boundary. It also contains a rear single storey element that is stepped in. As with the appeal property, the area to the side of the boundary permits access to the rear and for ancillary domestic activities. On the facing elevation of the house, there

- are a number of openings. These include a modest sized window on the single storey element. The rear elevation contains a number of larger openings which face over this property's own garden. There is also an outbuilding which is located close to the boundary. No 27 lies at a lower ground level, as the levels along Inglewood Drive gradually decrease towards its junction with the A659.
5. The 2 storey element of the proposal would project beyond the side elevation so that it would leave a gap of approximately one metre up to the boundary. The height to eaves level would be set down from the main house with the roof plane then sloping back away from the side of No 27. Whilst it would extend beyond the existing 2 storey rear elevation, it would project out a similar distance to both the appeal property's and No 27's own rear single storey elements.
 6. With the resultant relationship there would be with No 27, I am not persuaded the proposal would dominate the rear aspect and outlook. This would remain largely uninterrupted because the openings on the rear elevation are orientated over this property's own rear garden.
 7. Concerning the effect on the side outside area of No 27 by way of the size and proximity of the proposal, when this area's functions are considered as a means of circulation around the outside of the property and for ancillary domestic activities, this would not render the proposal unacceptable. With regard to the window in the rear single storey element, its outlook is limited due to its size and as it is orientated towards the appeal property, even though it is south facing. Whilst I am not unsympathetic, the effect on the occupiers of No 27 would not be to the extent that would justify withholding the grant of planning permission.
 8. Nor is the difference in levels so great between the 2 properties that it alters my views. As I have set out above, the facing wall of the extension would be set down in height from that of the main house, and so it would not appear appreciably larger than a 2 storey size.
 9. The Council's Householder Design Guide Supplementary Planning Document (2012) (SPD) seeks to ensure that extensions do not have an over dominating effect. As I have found that the effect on the aspect and outlook of No 27 would not be unacceptable, the proposal would comply with this guidance in the SPD. The proposed rear 2 storey element would be strictly closer to the boundary than what the SPD envisages, and when the levels are considered. In this case, though, it would not project noticeably further than the rear elevation of No 27, when its rear single storey element is considered. The single storey parts of the proposal itself would then, for the most part, be behind the side of No 27's outbuilding.
 10. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 27 by way of visual impact and outlook. As such, it would comply with Saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006) which states that proposals should seek to avoid loss of amenity, as well as with Saved Policy BD6 in design terms as far as it is relevant to living conditions.
 11. It would also comply with Policy HDG2 of the SPD which states that all development proposals should protect the amenity of neighbours and that proposals which harm the existing residential amenity of neighbours through

excessive overshadowing, overdominance or overlooking will be strongly resisted.

12. It would also accord with the National Planning Policy Framework where this is concerned with a high standard of amenity for existing and future users, and where it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Matters

13. The proposal would be well set back from the front elevation of the property with a significant gap maintained up to the site frontage. Due to its proportions, it would also be viewed from the streetscene as a subservient addition to the existing house. Thus, it would not unduly disrupt the general regularity of the properties along Inglewood Drive. That other properties have been extended in a different way does not mean the proposal itself would be out of keeping. It would not have an unacceptable effect on the character and appearance of the area, and it would also accord with the SPD in this regard.

Conditions

14. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. I have also imposed a condition by way of matching external materials to the existing building. This is in order to protect the character and appearance of the area.

Conclusion

15. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR