
Appeal Decision

Site visit made on 23 June 2020 by C McDonagh BA (Hons), MA

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/N4720/D/20/3247281

9 Berry Lane, Great Preston, Leeds LS26 8AU

- 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 Christopher Clarkson against the decision of Leeds City Council.
 - The application Ref 19/07307/FU, dated 25 November 2019, was refused by notice dated 6 February 2020.
 - The development proposed is a first-floor side extension over existing garage and single storey rear extension.
-

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.

Procedural Matter

3. The Council has referred to 7 Berry Lane in the Decision Notice. As its Officer Report refers to impacts relating to 7a Berry Lane only I have taken this to be a typographical error. For the avoidance of doubt, my assessment is limited to No 7a with regards to the main issues below.

Main Issues

4. The main issues are the effect of the proposed development on the host property and street scene, and on the living conditions of occupiers of No.7a Berry Lane with regards to overshadowing and outlook.

Reasons

Character and appearance

5. The appeal site comprises a two-storey, semi-detached dwelling of red brick construction, with a hipped roof and single-storey attached garage to the side. The immediate area contains a mix of housing styles, with detached and terraced examples evident among the prevailing red brick semis. Despite the mixed vernacular, there is a general sense of openness, with houses benefiting from generous setbacks from the road and from one another to the sides.

6. The proposal involves the erection of a first-floor side extension to be built over the existing garage, as well as a single storey rear extension and some alterations to the front elevation of the property. The existing rear conservatory would be removed to make way for the rear extension, which would cover the width of the rear.
7. My attention is drawn to the Householder Design Guide Supplementary Planning Document 2012 (the SPD), which states extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. To ensure this, the SPD advises that two-storey side extensions should maintain a gap of 1 metre (m) from a shared boundary and 2m set-back from the front elevation as well as a set-down from the main ridge of the host roof.
8. The side extension does not achieve either the 1m set-back from the common boundary with No.7a or the 2m set back from the front elevation of the host building. As a result, the extension would add significant mass and bulk to the dwelling, with no remaining space to the side to offset the mass of the building. Consequently, the house would appear to dominate its plot. Moreover, while there is a slight set down from the main ridge line of the roof, this is limited. Overall, as a result, the proposal would lack subordination to its host, harming its character and appearance.
9. In addition, the loss of space to the side of the property would reduce the gap between the properties which is a defining characteristic of the streetscene and a positive feature of the area. Whilst I acknowledge that No.7a is of a different architectural style, is set back from the appeal property, and has differing floor levels, the reduction in space between the buildings would be significant. This may have occurred to an extent with the ground floor garage, but this is single storey in scale and currently retains openness at first floor level allowing this gap to be read in the context of the street scene. The additional mass at first floor level would create a terracing effect when viewed from the street, harming the character and appearance of the area.
10. To conclude on this first main issue, the proposal would have a harmful effect on the character and appearance of the host property and the streetscene. This would be contrary to the SPD and policies P10 of the Leeds City Council Core Strategy 2014 (CS) and GP5 and BD6 of the Leeds Unitary Development Plan (review) 2006 (UDP). Collectively these seek to ensure, among other aims, the size, scale, design and layout of development is appropriate to its context and respects the character and quality of surrounding buildings and the streets and spaces that make up the public realm. The proposal would also be contrary to the design aims of the National Planning Policy Framework (the Framework), which encourages development which is sympathetic to local character.

Living conditions of occupiers of No.7a

11. The SPD advises that proposals which negatively affect the living conditions of occupiers of neighbouring dwellings through overdominance and overshadowing, among others, should be resisted. The side extension would be built at first floor level along the common boundary with No.7a extending about 5.5m past the front elevation of its neighbour.
12. To avoid overdominance, the SPD states that sufficient outlook should be maintained from windows facing an extension and sets out that 12m should be

maintained between a main habitable room window of one property and the side elevation of another. The distance of the first-floor side extension would fall some way short of this distance when measured from the living room window of No.7a and as a result would appear dominant in these views. This would be exacerbated by the blank expanse of unrelieved masonry of this side elevation. As a result, the proposal would create an increased sense of enclosure and have an unacceptably overbearing impact when viewed from the windows and front garden of No.7a.

13. Furthermore, the increase in height of the side elevation of the appeal property would cause overshadowing of the front elevation of 7a. I observed on the site visit the presence of shadows cast by No.9. This was undertaken at a late morning hour during summer when the sun would be nearly overhead, at a time when shadows would be expected to be short. The filling of the existing first floor gap between the two properties would create significant additional overshadowing of the front elevation of 7a, which would be especially harmful in early morning hours and during winter months when daylight hours are reduced, and the sun is lower in the sky.
14. While I appreciate there were no objections to the proposal from the current occupiers of 7a, the Framework makes clear the need to consider impacts upon amenity of both existing and future users. As such, this would not outweigh the harm I have identified in this regard.
15. To conclude on this second main issue, the proposal would have a harmful effect on the living conditions of No.7a Berry Lane due to overbearing impact on outlook and overshadowing caused by the proposal. This would be contrary to the SPD and policies P10 CS and GP5 of the UDP. Collectively these seek to ensure, among other aims, the seek to maintain residential and general amenity of the area. The proposal would also be contrary to the aims of the Framework, which seeks to ensure a high standard of amenity for existing and future users.

Recommendation

16. 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

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

Z Raygen

INSPECTOR