



Appeal Decision

Site visit made on 18 August 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/N4720/D/20/3253820

Rose Cottage, Butts Garth, Thorner, Leeds, LS14 3DA

- 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 David Swindells against the decision of Leeds City Council.
 - The application Ref 20/01132/FU, dated 12 February 2020, was refused by notice dated 6 May 2020.
 - The development proposed is a two-storey extension to rear of cottage.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey extension to rear of cottage at Rose Cottage, Butts Garth, Thorner, Leeds, LS14 3DA, in accordance with the terms of the application Ref 20/01132/FU dated 12 February 2020, and subject to the following conditions:
 1. The development hereby permitted shall begin no later than three years from the date of this decision.
 2. The development hereby permitted shall be in accordance with the following approved plans: Site Plan, dated 11 February 2020; Drawing No. L001 HPI DR A XX XX 10001 (Existing Elevations and Plans), dated 10 February 2020; and Drawing No. L001 HPI DR A XX XX 10002 Rev A (Proposed Elevations and Plans), dated 26 February 2020.
 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.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Orders revoking and re-enacting that Order with or without modification) no windows will be inserted into the west elevation of the extension hereby approved without the grant of express planning consent from the Local Planning Authority.

Procedural Matter

2. The evidence submitted by the main parties identified the adjoining property as being known as *Butts Garth Cottage*. However, it was apparent from the site visit and I note also from the Site Plan that the adjoining cottage is now known as *The Brambles*. Nevertheless, I am satisfied that the two identified properties are one and the same.

Main Issue

3. The main issue is whether the proposed development would safeguard the living conditions of the neighbouring occupiers of The Brambles, having regard to outlook.

Reasons

4. The appeal site is occupied by a two-storey stone detached dwelling located within the Thorner Conservation Area in which it is identified as a positive building. The property possesses a modest-sized rear garden and shares a timber-fence and stone wall boundary with the neighbouring dwelling at The Brambles.
5. I have had regard to the Council's reference to guidance addressing traditional minimum guide distances which need to be maintained from windows, as set out in the Leeds Householder Design Guide Supplementary Planning Document, April 2012 (the SPD). The position of the proposed two-storey extension on the boundary with The Brambles would inevitably have an impact on the outlook from the windows of the neighbouring property, albeit that I note the side windows already look towards the flank elevations of the appeal property.
6. Nevertheless, I note that whilst the neighbouring ground floor window is one of two windows serving a living room, the affected first floor window is the sole window serving a bedroom and would be less than the guided 9 metre distance from the flank elevation of the proposed extension. However, I am not persuaded that an 8.4 metre separation distance would be unacceptable in the context of the wider built environment, or that the effect of the 0.6 metre difference would be readily discernible to the neighbouring occupiers.
7. Furthermore, I am satisfied that a reasonable quality of outlook would be retained at an oblique angle from the bedroom window along the remainder of the boundary towards the north-west, and that the proposed extension would not result in an overbearing impact.
8. For these reasons, the proposed extension would safeguard the living conditions of the neighbouring occupiers of The Brambles, having regard to outlook. Whilst I have found some limited conflict with the SPD, the proposal would not conflict with Policy P10 of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) or saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review 2006. These policies seek to ensure that development proposals should deliver high quality design which respects the spaces between buildings and seeks to avoid problems of loss of amenity.

Other Matters

9. Due to the appeal site being within the Thorner Conservation Area, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the setting of the heritage asset (the conservation area). However, I have had regard to the Council's assessment of the design and impact of the proposed extension, and based on my observations of the appeal site I would not disagree with the conclusion reached that, subject to the use of matching materials, the proposal would preserve the character and appearance of the conservation area.

Conditions

10. In addition to conditions regarding timeliness and adherence to the submitted plans, I am satisfied that a condition securing the use of matching materials would be reasonable in the interests of the character and appearance of the area. A condition removing permitted development rights for future windows in the west elevation of the extension would also be reasonable and necessary as a means of safeguarding the living conditions of neighbouring occupiers.

Conclusion

11. For the reasons set out, and subject to the conditions listed, the appeal is allowed.

Martin Seaton

INSPECTOR