



Appeal Decision

Site visit made on 19 October 2020

by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/N4720/D/20/3259355

11, Hillingdon Way, Alwoodley, Leeds, W Yorkshire LS17 7QX

- 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 Ellis against the decision of Leeds City Council.
 - The application Ref 20/03377/FU, dated 10 June 2020, was refused by notice dated 11 August 2020.
 - The development proposed is a single storey conservatory to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey conservatory to rear of 11, Hillingdon Way, Alwoodley, Leeds, W Yorkshire LS17 7QX in accordance with the terms of planning application ref: 20/03377/FU, dated 10 June 2020 and subject to the following conditions.
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the approved plans: Location Plan 1:1250, Proposed Floor Plans 1:100 and Proposed Elevations 1:100.
 - 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 at no 15 Hillingdon Way, with particular regard to outlook and light

Reasons

3. The proposal would extend 4 metres from the rear of the appeal property and would be located approximately 0.3 metres from the boundary with the other house in the semi-detached pair, 15 Hillingdon Way.
4. The shared boundary is currently delineated by a close boarded fence of around 1.8 metres in height. The proposed conservatory would have a brick built gable which would rise up to around the height of the fence, above which, there would be shallow windows with obscure glass and a glazed pitched roof. The eaves height of the conservatory would be around 2.2 metres and the ridge,

around 3 metres in height, thus increasing the height of the built form on the shared boundary by around 0.4 metres albeit with a glazed element.

5. This modest increase in height would not have a significant overbearing impact on occupiers at no 15 Hillingdon Way, acknowledging that both the appeal property and the adjoining neighbours have large rear gardens providing a good amount of private amenity space that would not be affected by the proposal.
6. I saw during my site visit, which was conducted at around midday on an Autumn day, that the orientation of the properties is such that the rear elevations and first portion of the gardens were in shade. I appreciate that when the sun is higher during the summer months or during the early part of the afternoon this situation would improve nonetheless, given the relatively modest scale of the proposal and the use of glazing above the existing fence height I do not consider that the proposal would result in a material loss of light to the rear windows of the neighbouring property.
7. The proposed extension would not have a significant adverse effect on the living conditions of the adjoining neighbours with reference to light or outlook and would therefore accord with the provisions of Policy P10 of the Leeds Core Strategy 2014 (amended 2019), Policy GP5 of the Leeds Unitary Development Plan (Review 2006) and HDG2 of the Leeds City Council, Householder Design Guide 2012 which amongst other things, seek to promote good design and to prevent the loss of amenity.

Conditions

8. A condition specifying the approved plans is necessary as it provides certainty. I have imposed a condition requiring materials to match the existing property in order to safeguard the character and appearance of the area.

Conclusion

9. For the reasons set out above and taking into account all other matters raised, I conclude the appeal should be allowed.

J. Hunter

INSPECTOR