



Appeal Decision

Site visit made on 8 December 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/N4720/D/20/3246462

8 Arran Drive, Garforth, Leeds LS25 2BU

- 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 Mrs Kathryn Bryan against the decision of Leeds City Council.
 - The application Ref 19/04478/FU, dated 6 September 2019, was refused by notice dated 2 December 2019.
 - The development is a single storey garage to the rear of the property.
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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.

Main Issue

3. The garage has already been constructed. The main issue is the effect of the development upon living conditions of occupants of 6 Arran Drive with regards to overbearing impact, outlook and overshadowing.

Reasons for the Recommendation

4. The garage is constructed abutting the boundary with no. 6 Arran Drive. According to plans submitted in support of this appeal the garage is 8.28 metres in length and has an overall height of 3.65 metres. As observed on my visit to the site, the garage is significantly higher than the close boarded fence which runs along the boundary with no.6 and its length is marginally less than the depth of the rear garden at no.6.
5. There is a conservatory at the rear of no.6 with windows in the side elevation facing towards the appeal development, which serves as a habitable room and it is necessary to consider the impact of the proposal in that context. Furthermore, Leeds City Council's Local Development Framework Householder Design Guide Supplementary Planning Document (2012) (the 'SPD') states that large extensions which are likely to impact upon neighbouring private garden space should be set away from the boundary.

6. By virtue of its height, depth, massing and proximity to no.6, the garage has an overbearing impact when viewed from windows in the side elevation of the conservatory and rear garden at no.6. Due to the minimal degree of separation and its height and depth the structure dominates views from the conservatory and garden and negatively impacts the outlook from these areas. For the same reasons, and taking account of its orientation, the structure also casts a shadow, particularly in the afternoon and early evening period, which limits the level of natural light reaching into the garden and the conservatory at no.6.
7. As a result, I find that the development has a significantly harmful effect upon the living conditions of the occupiers of no. 6 Arran Drive. Accordingly, there is conflict with the objectives of the National Planning Policy Framework (the Framework), Policy P10 of the Leeds Local Plan Core Strategy (as amended 2019) and saved policy GP5 of the UDP (2006) which amongst other things seek to ensure that new development protects the visual, residential and general amenity of the area through high quality design that protects and enhances surrounding routes, useable space, privacy, air quality and satisfactory penetration of sunlight and daylight.

Other Matters

8. I note the intended use of the structure as a summer room, which would include occasional use in association with the appellant's educational employment, for the benefit of those with specific needs. However, personal circumstances will seldom outweigh more general planning considerations and it has not been demonstrated that a structure of this height and size is required to serve such a purpose or that the same ends could not be met in a manner that would be less harmful to the living conditions of neighbouring residents.
9. Having carefully weighed the potential benefits of the scheme, I therefore consider that they are not sufficient to outweigh the harm caused by the development. Dismissal of the appeal is a proportionate and necessary response having regard to the legitimate and well-established planning objectives mentioned above.
10. As acknowledged by the appellant, the assumption that the garage was constructed under permitted development was based on an incorrect understanding of the relevant criteria. Whilst I have no reason to doubt the appellant's version of events, I cannot verify the precise details of the telephone exchange, the information that was provided or the advice that was given. In any event, it is clear that planning permission is required for the structure and I am required to assess the proposal in line with the statutory planning framework.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR