The Planning Inspectorate

Appeal Decision

Site Visit made on 2 December 2020

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/N4720/D/20/3260335
39 Haigh Moor Road, Tingley, Wakefield WF3 1EE

- 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 Loney against the decision of Leeds City Council.
- The application Ref 20/03237/FU, dated 22 May 2020, was refused by notice dated 31 July 2020.
- The development proposed is erection of single storey front extension, raising of ridge and eaves level to form living accommodation with associated works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the living conditions of occupants of adjacent properties with regard to privacy and outlook, and 2) the character and appearance of the area.

Reasons

Living conditions

3. The appeal property is a detached bungalow. It is situated in a predominantly residential area where there is a wide range of property styles and sizes.

4. There is a two-storey semi-detached dwelling with roof level accommodation on one side of the appeal property and a detached bungalow with dormer windows on the other side. Whilst there are some small extensions and various outbuildings, these properties broadly follow a similar building line.

5. The appeal proposal would, in effect, add an additional storey to the appeal property. In an area where there are a number of two storey properties, this in itself would not appear to cause harm. The extension to the rear both increases the height of the existing building and its projection into the long rear garden of the property.

6. Due to this significant increase in height, combined with the length of projection, when viewed from properties either side of the appeal site, the extension would appear overbearing and dominant.

7. The proposal includes a number of windows in the side elevations of the dwelling. Those in the ground floor are either existing or high-level and therefore would not cause harm in terms of privacy. Those in the proposed first-floor include windows of a sloping and vertical combination, where due to their design, direct level and downward views from these windows would be

possible. These windows relate to proposed bedrooms. The Council's Officer Report comments that their location will significantly overlook neighbouring properties. I observed that properties on either side of the appeal site have windows in their side elevations. There is nothing before me to state whether these windows in adjacent properties are to habitable rooms such as a bedroom, or a non-habitable room such as a landing or bathroom.

8. The proposed balcony would be positioned at the first-floor level on top of the single storey extension. It would overlook part of the long rear gardens of the adjacent properties. Due to its siting at such a distance from the rear elevations of the properties either side and the areas of garden that are immediately adjacent to the rear of the properties, the proposed balcony would result in a minor loss of privacy and a minor level of overlooking of the gardens. Were I to allow the appeal, the imposition of a condition requiring the installation of privacy screens to each side of the balcony, as has also been suggested by the appellant, would contribute to ensuring that there would not be an unacceptable impact on the living conditions of adjacent properties with regard to privacy.

9. Therefore, although I have found there would be no unacceptable harm caused to living conditions in relation to privacy from the proposed balcony, I am not able to conclude that the proposal would not have an unacceptable impact on privacy due to the proposed first floor windows in the side elevations. I also conclude that there would be significant harm caused to the living conditions of adjacent properties in relation to outlook. The proposal would therefore be contrary to Policy P10 of the Leeds Core Strategy (2014) and Policy GP5 of the Leeds Unitary Development Plan (2006) which require, amongst other things, that development protects and avoids loss of residential amenity.

10. The proposal would also be contrary to guidance contained in the Leeds Householder Design Guide Supplementary Planning Document (2012) which outlines, amongst other things, that development proposals should protect the amenity of neighbours and proposals which harm the existing residential amenity of neighbours through overdominance or overlooking will be strongly resisted.

Character and appearance

11. The properties surrounding the appeal site are of a wide range of sizes and styles. Properties on this section of Haigh Moor Road have a generous set-back from the road frontage to such an extent that the small front extension to the property would not appear dominant or incongruous. Therefore, due to its size and siting, the front extension would not cause harm to the character and appearance of the area or the street scene.

12. The design of the front extension through its incorporation of full height continuous glazing, spanning the ground and first floor would depart from the prevailing character of surrounding dwellings. However, given the wide range of property styles in the area and combined with the quality of the design proposed, I find that the proposal would not cause harm.

13. I have considered the Council's argument that the grant of planning permission for the front extension would set a precedent for other similar developments. However, no directly similar sites to which this might apply were put forward. Each application and appeal must be determined on its individual merits, and a

generalised concern of this nature does not justify withholding permission in this case. Given that I have concluded that the proposal would be acceptable in this regard, I can see no reason why it would lead to harmful developments on other sites in the area.

14. I therefore conclude that the proposed development would not have an unacceptable impact on the character and appearance of the area. it would comply with Policy P10 of the Leeds Core Strategy (2014) and Policies BD6 an GP5 of the Leeds Unitary Development Plan (2006). Collectively, these policies seek to ensure good design is provided in development that is appropriate, and respects and enhances the local area.

15. The proposal would also comply with guidance contained in the Leeds Householder Design Guide Supplementary Planning Document (2012) which outlines, amongst other things, that development proposals should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.

Other Matters

16. The appellant has referred to a single storey rear extension to the existing property that could be built using permitted development rights. Whilst it may represent a fallback in relation to the ground-floor element of the proposed rear extension, given the differences between it and the appeal proposal I do not draw sufficient comparison which would overcome the harm I have identified.

17. The appellant has also referred to the granting of planning permission for a rear extension at the adjacent property, 41 Haigh Moor Road. Most pertinent however, is that this extension has not been constructed. It is also for a different proposal in a different context from the appeal proposal. It therefore has limited weight in the appeal, which I have in any event determined on its own individual planning merits.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR