



Appeal Decision

Site Visit made on 13 January 2021

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/N4720/D/20/3261648

8 Thomas Drive, Guiseley, Leeds LS20 9PL

- 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 Bentley against the decision of Leeds City Council.
 - The application Ref 20/04543/FU, dated 24 July 2020, was refused by notice dated 18 September 2020.
 - The development proposed is described as set back first floor side extension to existing semi-detached property over existing garage below to contain Bedroom and ensuite.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupants of neighbouring properties with regard to outlook.

Reasons

3. The appeal property is a two-storey semi-detached dwelling. It is situated on a relatively new housing estate, where there are properties of similar styles. The property has an attached single storey garage to the side onto which the first-floor extension is proposed.
4. The pitched roof of the existing garage is visible above the existing boundary treatment with 2 and 4 Thomas Drive, the rear elevations of which contain windows that overlook the gable of the appeal property, including the pitched roof of the garage.
5. Due to the size, scale and siting of the proposed extension in relation to existing residential properties, it would appear dominant and would have an overbearing impact in relation to the outlook from these properties that would be directly onto the proposed extension.
6. The appellant has referred to the relationship between other properties in the area in terms of their scale and separation. I observed these on my site visit. I have not been provided with the planning background to these examples and I do not consider that they justify allowing the harm to be caused which I have identified. I have also, in any event, determined the appeal on its own individual planning merits.
7. I therefore conclude that the proposal would result in significant harm to the living conditions of occupants of neighbouring properties with regard to outlook. It would 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.

8. The proposal would also be contrary to Policy HDG2 of the Leeds Householder Design Guide Supplementary Planning Document (2012) which outlines 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.
9. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework) that outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
10. The Council consider that the proposal would be contrary to Policy BD6 of the Unitary Development Plan and paragraph 130 of the Framework. These are principally related to design considerations and I do not consider that they are pertinent to the main issue relating to living conditions

Other Matters

11. I note that the appellant has referred to seemingly positive discussions with their neighbours in relation to the proposal. The appellants willingness to discuss their plans with the neighbours is commendable, however it, and the lack of objections, is not a reason to allow the appeal, and I also have borne in mind that occupants of properties can change over time.
12. I acknowledge the appellants reasons behind wanting to extend their property. Such personal circumstances seldom outweigh general planning considerations and this case is no exception.
13. Reference is made to recent changes to permitted development rights. It has not, however, been demonstrated how these would be comparable to the appeal proposal. This limits the weight that I can attach to it as a fallback position.

Conclusion

14. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR