



Appeal Decision

Site visit made on 9 February 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021

Appeal Ref: APP/N4720/D/20/3264470

17 New Adel Gardens, Adel, Leeds LS16 6BD

- 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 Ms R Thompson against the decision of Leeds City Council.
 - The application Ref 20/06504/FU, dated 23 September 2020, was refused by notice dated 3 December 2020.
 - The development proposed is a single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension at 17 New Adel Gardens, Adel, Leeds LS16 6BD in accordance with the terms of the application, Ref 20/06504/FU, dated 23 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan / red line / OS plan Drwg No 1000; paving plan Drwg No 1101; ground floor plan Drwg No 1102; elevations Drwg No 1103; existing plans – block plan Drwg No 1001; and existing plans – elevations Drwg No 1003.
 - 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.

Background and Main Issue

2. Planning permission was granted for a single storey side and rear extension at the appeal property in October 2020¹. The shape, form, layout and general design principles of that scheme very closely reflect those of the appeal proposal, with the exception of the extent of its projection from the rear elevation of the main house. In the case of the approved scheme, this distance is 4 metres, and in the current instance would be 4.53 metres. I have taken the previously approved scheme into account in the consideration of the appeal proposal.
3. Thus, the main issue is the effect of the proposed extension on the living conditions of occupiers of 15 New Adel Gardens.

¹ LPA Ref No: 20/04623/FU

Reasons

4. Leeds Core Strategy (LCS) policy P10 and saved Leeds Unitary Development Plan (UDP) policy GP5 seek to ensure that new development delivers high quality design. Amongst other things, development is expected to protect, and avoid loss of, residential amenity.
5. Both the previously approved side and rear extension at No. 17 and the appeal proposal before me breach the Council's 45° code as described in the Council's 'Householder Design Guide' Supplementary Planning Document (SPD). This code, the SPD explains, provides a useful way to assess the impact that an extension will have upon its neighbours. Usually applied to two storey extensions, it can also inform the decision-making process for single storey extensions.
6. The proposal in the current instance would project a total of 4.53 metres from the rear elevation of the main house. Not only would the appeal scheme breach the SPD's 45° code, but it would also exceed the SPDs' rear projection 'rule of thumb' dimension of 3 metres on a common boundary.
7. The proposed extension would not however be located on the common boundary. It would instead be set away from it by 1 metre along its length. Although the layout of Nos. 15 and 17 are such that they are set at converging angles, the nearest habitable room at the rear of No. 15 is set away from the boundary between the two by a notably greater margin than the proposed extension would be.
8. However, whilst the proposed extension would amount to a technical breach of the SPD's 45° code and its 'rule of thumb' advice, I am particularly mindful of the fallback position afforded to the appellant by the previously approved side and rear extension. The appeal proposal's flank elevation would be slightly longer than that previously approved, but its eaves level and roofline heights would be the same and it would not be any closer to the boundary fence between the two properties.
9. The outlook from the nearest window at the rear of No. 15 is compromised to an extent by a single storey extension to the rear of that property, but the general outlook and aspect from the rear of No. 15 remains largely open across modest sized rear gardens and is south facing. The technical breaches of the SPD's guidance are such that the proposed extension would impinge slightly upon the broad field of vision from the rear of No. 15 if measured by the 45° code line. However, I am not persuaded that the additional length of the appeal proposal's flank elevation would be materially more harmful to the living conditions of occupiers of No. 15 than would arise from the fallback position presented by the previous approval. Nor, despite the flank wall's slightly greater rearward projection, would the eaves line, roof or roof line project further than the approved fallback scheme, or be of greater height.
10. Thus, despite the technical breach of the SPD's advice and guidance, I am not persuaded that the proposed extension would be an over-dominant feature or would cause an unacceptable degree of over-shadowing of the rear kitchen window at No. 15. In reaching this conclusion I am particularly mindful of the fallback position afforded to the appellant by the approved scheme and I am satisfied that the proposal would still comply with the overall amenity aims of LCS policy P10, saved UDP policy GP5 and SPD policy HDG2.

Conditions

11. I have considered the Council's suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I agree that time limit and plans conditions are necessary and reasonable in order to provide certainty, as is a materials conditions in the interests of character and appearance. No further conditions have been suggested and I have not been presented with any reasons to impose further conditions.

Conclusion

12. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR