



Appeal Decision

Site visit made on 11 February 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/N4720/D/20/3261945

15 Belle Vue Avenue, Roundhay, Leeds LS8 2NN

- 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 J Dowse-Holmes against the decision of Leeds City Council.
 - The application Ref 20/03216/FU, dated 4 June 2020, was refused by notice dated 14 August 2020.
 - The development proposed is described on the application form as 'Rear extension'. (sic)
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr J Dowse-Holmes against Leeds City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council have described the development as '*Single storey extension and new fence above both side boundary walls to rear*'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers of no. 17 Belle Vue Avenue having regard to matters of outlook and light.

Reasons

5. The appeal property is a two-storey terraced dwelling with an existing narrow single storey rear extension. The proposal would replace this existing extension with a new one which would be shorter and wider than it. The proposed new extension would also project along the shared boundary with no. 17 Belle View Avenue whereas the existing extension does not. On the rear elevation of no. 17 there is a large ground floor rear window adjacent to the shared boundary which serves a habitable room. No. 17 also has an existing part two storey and part ground floor rear extension that projects rearwards from the rear building line and there is a gap between it and the shared boundary with no. 15.

6. The adopted Householder Design Guide Supplementary Planning Document (SPD) stipulates that the projection of a single storey extension on the common boundary between neighbouring properties should generally be restricted to approximately 3 metres in order to allow a sufficient level of sunlight and daylight to enter neighbouring windows and to ensure a sufficient level of outlook from such windows.
7. The height of the proposed extension would be just above the height of this ground floor rear window of no. 17. Consequently, and given the proposal's location on the shared boundary, its height, width, and rear projection of approximately 4 metres, it would lead to a significant loss of outlook from the large ground floor window on the rear elevation of no. 17. Furthermore, for similar reasons, the proposal in combination with the existing rear extension to no. 17 would further compound this loss of outlook and as a result create an increased sense of enclosure for the occupiers of no. 17.
8. I have before me a sun path analysis drawing which the appellant has submitted that shows that the proposal would not appear to cause unacceptable overshadowing to the rear of no. 17. However, even so, given its width, height, location and rear projection, the proposal would be likely to cause an unacceptable loss of daylight to the large ground floor window to the habitable room at the rear of no. 17, nonetheless.
9. The appellant has also cited a potential 'fallback' position that they could pursue should the appeal be dismissed in that a similar extension could be constructed under permitted development rights. However, whilst this option could be pursued, I consider that it would not be more harmful than if the appeal scheme itself were permitted. Accordingly, this 'fallback' position would therefore not be of sufficient weight to outweigh the harm I have identified above.
10. Consequently, I conclude that the proposed development would materially harm the living conditions of the neighbouring occupiers of no. 17 Belle Vue Avenue having regard to matters of outlook and light. It would therefore fail to meet the requirements of saved policies GP5 and BD6 of the adopted Leeds Unitary Development Plan Review, Policy P10 of the adopted Leeds Core Strategy, and Policy HDG2 of the adopted Householder Design Guide Supplementary Planning Document. It would also conflict with paragraph 127 f) of the National Planning Policy Framework which aims to create places with a high standard of amenity for existing and future users, amongst other considerations.

Other Matters

11. I note that no objections to the proposal have been made by interested parties. However, this is not of sufficient weight to outweigh the harm I have identified above.

Conclusion

12. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR