



Appeal Decision

Site visit made on 23 March 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2021

Appeal Ref: APP/N4720/D/20/3264716

15 Adel Pasture, Adel, Leeds, LS16 8HU

- 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 S Browne against the decision of Leeds City Council.
 - The application Ref 20/05789/FU, dated 10 September 2020, was refused by notice dated 4 December 2020.
 - The development proposed is part two storey part single storey extension to rear, alterations to openings to front and new openings to both sides of existing house.
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Decision

1. The appeal is allowed and planning permission is granted for a part two storey part single storey extension to rear, alterations to openings to front and new openings to both sides of existing house at 15 Adel Pasture, Adel, Leeds, LS16 8HU in accordance with the terms of the application, Ref 20/05789/FU, dated 10 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: 2029_2110; 2029_2111; 2029_2112; 2029_2113; 2029_2114.
 - 3) The first floor windows in the western elevation of the dwelling shall not be glazed other than with obscured glass and shall thereafter be permanently retained as such.

Procedural Matters

2. The description of development given above is taken from the Decision Notice. This reflects amendments that were made to the scheme at application stage and the application was determined on this basis.
3. The appellant has asked that a series of alternatives schemes be considered as part of this appeal. However, there is no ability for me to approve multiple schemes under the cover of a single application. In addition, a proposed first floor extension at the front of the property would be clearly visible in the street and so would introduce new planning issues. The 'Procedural Guide – Planning Appeals – England' (2020) advises that the appeal process should not be used to evolve a scheme. It further states that: *"If an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning*

application” (Annexe M.1.1). Accordingly, I have determined the appeal based on the revised plans that were before the Council when it made its decision.

4. A different rear extension to that currently proposed was under construction at the time of my site visit. In these circumstances, I am required to determine the appeal based on the submitted plans.

Main Issues

5. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of neighbouring occupiers with regard to outlook and overshadowing.

Reasons

Character and appearance

6. The appeal property consists of a modern detached dwelling on the northern side of Adel Pasture. It is set back significantly from the road, and its side and rear elevations have only limited visibility from the street.
7. A number of recent approvals have been granted to extend the property, including some that are very similar to the current appeal proposal. In this regard, permission Ref 20/05360/FU proposed an identical 2 storey rear projection on the eastern side of the property, albeit with an entirely single storey element to the west. Moreover, permission Ref 20/05918/FU proposed an identical rear extension on the western side of the property to that currently proposed, albeit with a part 2 storey part single storey element to the east. These approvals represent fallback options that could be implemented were the appeal to be dismissed, and given the clear intention to extend the property I attach significant weight to them.
8. The appeal proposal would be slightly larger than the previously approved extensions by virtue of a modest additional element at first floor level. This would not result in an increase in built footprint and the additional massing would not be readily perceptible from any public vantage point. Accordingly, any additional impact associated with the proposal would be minor.
9. For the above reasons, I conclude that the development would not significantly harm the character or appearance of the area. It would therefore accord with Policy P10 of the Leeds Core Strategy, saved Policies GP5 and BD6 of the Leeds Unitary Development Plan ('UDP'), guidance contained in the Householder Design Guide SPD, and Policy CD1 of the draft Adel Neighbourhood Plan. These policies and guidance seek to ensure, amongst other things, that new extensions respect the scale, form, and design of the host building.

Living conditions

10. As set out above, the part of the extension nearest to the boundary with No 11 would be identical to that approved under permission Ref 20/05918/FU. The additional first floor element proposed on the eastern side of the building would be some distance from the boundary and would not have any significant effect on outlook from the rear of No 11. Moreover, any additional overshadowing caused by this first floor element would be very modest. Given the separation distances involved, it would also not result in any significant loss of outlook or light to any other neighbouring property.

11. Separately, given the change in levels to the east and the presence of a mature boundary hedge, there would be no significant loss of privacy to Athill House. In any case, the proposed east facing first floor windows would be small secondary openings only.
12. For the above reasons, I conclude that the development would not significantly harm the living conditions of neighbouring occupiers with regard to outlook and overshadowing. It would therefore accord with Policy P10 of the Leeds Core Strategy, saved Policy GP5 of the Leeds UDP, and guidance contained in the Householder Design Guide SPD. These policies and guidance seek to ensure, amongst other things, that new development does not result in a significant loss of amenity.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. A condition requiring that the first floor windows in the western elevation of the dwelling be obscurely glazed is also necessary to prevent overlooking of No 11 Adel Pasture.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR