The Planning Inspectorate

Appeal Decision

Site visit made on 5 July 2021

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2021

Appeal Ref: APP/N4720/D/21/3272999
39 Kingsdale Avenue, Menston, Ilkley, LS29 6QL

- 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 Luke Dollan against the decision of Leeds City Council.
- The application Ref 21/00515/FU, dated 20 January 2021, was refused by notice dated 17 March 2021.
- The development proposed is a loft conversion with gable; forming bedroom / ensuite.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal property lies in the Green Belt. However, the Council and the appellant agree that the proposal would not result in a disproportionate addition to the original property, and so, in accordance with paragraph 145 of the *National Planning Policy Framework* it would not be inappropriate development in the Green Belt. This is a conclusion with which I agree.

3. In the light of this the main issue in the appeal is the effect of the proposed extension on the living conditions of the occupiers of No 5 Kingsdale Avenue with particular regard to outlook.

Reasons

4. The appeal property is the end dwelling in a short terrace of 3 storey houses. The gable end of No 39 faces the rear elevation of No 5, a 2 storey house, and is a short distance to the common boundary with this dwelling. The rear elevation of this neighbouring property contains a number of habitable room windows at both ground and first floor level.

5. Detailed guidance on extensions to dwellings is found in the *Householder Design Guide Supplementary Planning Document (adopted April 2012)* (SPD). In order to prevent an extension having an over dominating impact this states that a distance of 12m should be maintained between main windows and a blank side elevation. A further 3m should be provided for each additional floor above 2 storey level. Whilst the SPD indicates that these distances are only a guide, it does state that they are the normal minimum requirement for flat sites within suburban areas, as is the case here.

6. The distance the gable wall is from No 5 is disputed between the parties, as is whether or not the proposal would make No 39 more akin to a four storey property and so whether the minimum distance that should be maintained

between it and the rear elevation of No 5 should be 15m or 18m. However, even if utilising the appellant's figures and taking it to be a three storey dwelling, the proposal falls below the 15m minimum separation distance set out in the SPD. Nevertheless, given these disputed figures, I have determined the appeal on the basis of the plans before me, and what I observed on my site visit.

7. The modest length of the rear garden of No 5, the closeness of the gable of No 39 to the common boundary and the fact that the gable occupies around two-thirds of the width of No 5's garden, means that the outlook from the rear windows and garden of this adjacent dwelling are already compromised. However, at present the hipped roof design of No 39 reduces the bulk and mass of the roof.

8. In changing this to a pitch roof the proposed development, although not changing the ridge height of the property would increase the height of the gable wall facing the neighbouring property. Whilst it may only be a limited form of development to the house, the increase in mass and bulk of the gable would still have an overbearing impact on, and exacerbate the unneighbourly sense of enclosure to, the occupiers of No 5.

9. The appellant has provided a shading analysis which shows that the proposal would not create significant amounts of overshadowing to the neighbouring property. Be that as it may, this does not overcome the overbearing impact it would have.

10. Therefore, I consider that the proposed extension would unacceptably harm the living conditions of the occupiers of No 5 Kingsdale Avenue with regard to outlook. Accordingly, it would conflict with Policy P10 of the *Leeds Core Strategy (adopted November 2014)* which seeks to ensure that developments have a high quality of design that protect visual, residential and general amenity of an area.

Conclusion

11. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR