



Appeal Decision

Site Visit made on 31 August 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2021

Appeal Ref: APP/N4720/W/21/3278657

7 Dealtry Road, Colton, Leeds LS15 9JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs Gemma Copley against Leeds City Council.
 - The application Ref 21/04244/FU is dated 12 May 2021.
 - The development proposed is first floor side extension with dormers to front and rear.
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Decision

1. The appeal is allowed and planning permission is granted for first floor side extension with dormers to front and rear at 7 Dealtry Road, Colton, Leeds LS15 9JW in accordance with the terms of the application, Ref 21/04244/FU, dated 12 May 2021, 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: 1000-020-005-01; 1000-020-005-04; 1000-020-005-05.
 - 3) The external materials to be used in the construction of the extension hereby permitted shall match those used in the existing building.

Applications for costs

2. An application for costs was made by the appellant against Leeds City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council has subsequently indicated that it would have granted planning permission, subject to the imposition of conditions, had it been in a position to do so. I have framed the main issues having regard to the evidence before me and my own site visit.

Main Issues

4. The main issues are the effect of the development on i) the character and appearance of the host property and surrounding area, and ii) the living conditions of the occupiers of 9 Dealtry Road, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal relates to a three-storey, semi-detached house with an attached single garage, located within a modern housing estate. The proposal would increase the height of the garage roof and introduce a dormer window in the front and rear roof slopes. I saw that a similar development already exists on a nearby property in Dealtry Close at the rear of the appeal site. Dormer windows are also a feature of the estate. In this context, I am satisfied that the proposal would be sympathetic to and compatible with the character and appearance of the host dwelling and the surrounding area. I note that the Council did not raise any concerns in this regard.
6. I therefore conclude, on this issue, that the development would not harm the character, nor appearance of the host property and surrounding area. Thus, the proposal complies with the design requirements of Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (the CS), and saved Policies GP5 and BD6 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP).

Living conditions

7. The Council indicates that its concern over potential loss of privacy to the garden of 9 Dealtry Road could be overcome by use of a planning condition requiring the rear dormer to be obscure glazed. However, although the window would be located close to the boundary of No 9, it would be behind its rear elevation. As such, it would not afford direct views over the more intimate area immediately outside No 9's patio doors, and in combination with its orientation facing slightly away from the garden, and the degree of existing overlooking from surrounding properties, I do not consider that a significant loss of privacy would occur. Consequently, the development would be acceptable without the need for obscure glazing to the rear.
8. I therefore conclude, on this issue, that the development would not unacceptably harm the living conditions of the occupiers of 9 Dealtry Road, with particular regard to privacy. Thus, the proposal complies with Policy P10 of the CS and saved Policy GP5 of the UDP insofar as they seek to protect the living conditions of neighbours.

Conditions and Conclusion

9. As suggested by the Council I have imposed the standard commencement and approved plans conditions for certainty. A condition requiring the external materials to match the existing building is necessary to ensure a satisfactory appearance of the development. However, for the reasons above, a requirement for obscure glazing at the rear would not be necessary so the suggested condition is not imposed.
10. Subject to these conditions, and for the reasons given above, I conclude that the appeal should be allowed, and planning permission granted.

A Caines

INSPECTOR