



Appeal Decision

Site Visit made on 12 October 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2021

Appeal Ref: APP/N4720/D/21/3274966

12 Spring Valley Croft, Bramley, Leeds LS13 4RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Martin Cooke against the decision of Leeds City Council.
 - The application Ref 21/02985/DHH, dated 4 April 2021, was refused by notice dated 7 May 2021.
 - The development proposed is a single storey extension 6000mm from the original rear house wall and not exceeding 3000mm in height.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey extension 6000mm from the original rear house wall and not exceeding 3000mm in height at 12 Spring Valley Croft, Bramley, Leeds LS13 4RP in accordance with the application 21/02985/DHH made on 6 April 2021, and the details submitted with it, including plan references Site Location Plan, 222/2021/03, 222/2021/04, 222/2021/05 and 222/2021/06 Rev A, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) and subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or openings shall be inserted into the side elevation of the approved single storey extension that faces towards 10 Spring Valley Croft.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where any owner or occupier of any adjoining premises objects to the proposed development, Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
4. An amended plan has been provided during the appeal to clarify that the proposal would meet with the requirement set out in the GDPO that the height

of the eaves of the part of the dwellinghouse enlarged, improved or altered does not exceed the height of the eaves of the existing dwellinghouse. On application of the Wheatcroft Principles¹, I am satisfied that accepting this amended plan would not result in prejudice to any party that has an interest in the proposal. I proceed on that basis.

Main Issue

5. The main issue is the impact of the proposed development on the amenity of adjoining premises.

Reasons

6. The attached dwelling, 10 Spring Valley Croft, mirrors the rear elevation of the appeal dwelling, meaning that there is a large bedroom window closest to the common boundary and a smaller window of a separate bedroom further away from it.
7. Whilst the proposed extension would project 6 metres beyond the rear elevation of No 10, it would be single storey and have a flat roof, limited relative to the height of the eaves of the existing dwelling. As a result, it would not appear as an overly dominant or overbearing structure when viewed from the bedroom windows and rooms to the rear of No 10 or from within its rear garden area. These factors would also ensure that levels of daylight were not unduly restricted within the rooms in question.
8. Due to the orientation of the rear elevation of the dwellings, the amount of sunlight reaching the windows to the rear of No 10 would not be materially affected. There would be likely to be some impact on sunlight reaching the rear garden of No 10 closest to where the proposed development would be constructed, but this would affect only a small part of what is a reasonably large garden, and it would occur only during limited times later in the day.
9. The dwelling to the other side boundary, 14 Spring Valley Croft, has one high level, obscurely glazed window, in its side elevation and there is presently the detached garage of the appeal property adjacent to the common boundary. As a result, there would not be harm to the amenity of this premises. The rear boundary is shared with a railway line.
10. For these reasons I conclude that the proposed development would not cause harm to the amenity of adjoining premises. Accordingly, I also find that there would be no conflict with Policy P10 of the Leeds Core Strategy 2019, Saved Policies GP5 and BD6 of the Revised Leeds Unitary Development Plan Review 2006 and the National Planning Policy Framework, where they collectively seek to protect amenity.
11. Whilst Policy HDG2 within the Householder Design Guide Supplementary Planning Document 2012 (SPD) states that single storey extensions can project 3 metres on a common boundary, this is stated to be a rule of thumb and one which seeks primarily to address concerns relating to sunlight and daylight. Reference is also made in the SPD to the 45° code as a useful way of assessing the impact of a proposal on neighbours, although this is stated to usually apply to two storey extensions.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

12. In any event however, in the circumstances of the case that is before me and for the reasons I have set out, I have found that there would not be harm to the amenity of adjoining premises. The appeal should therefore be allowed, and prior approval should be granted.

Conditions

13. In order to accord with the requirements of the GDPO, the proposed development must be carried out in accordance with the approved details and the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
14. To protect the amenity of No 10 it is necessary to impose a condition preventing the insertion of windows or openings on the side elevation of the proposed development that would face this boundary. It is not necessary to extend this restriction to the other side elevation, as a window in that elevation would not result in harm to the amenity of No 14, due to the relationship between the two properties that I have outlined above.

Graham Wraight

INSPECTOR