



Appeal Decision

Site Visit made on 23 November 2021

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/N4720/D/21/3281881

45 Acorn Way, Pool in Wharfedale, Otley LS21 1TY

- 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 & Mrs Greenwood against the decision of Leeds City Council.
 - The application Ref 21/00163/FU, dated 6 January 2021, was refused by notice dated 8 June 2021.
 - The development proposed is a two-storey extension to side/rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the appellant has stated that the application was considered on the originally submitted plans the refusal notice refers to Rev F of '02 Proposed Plans & Elevations' which supersede Rev C. It is clear that the Local Planning Authority determined the application on the basis of Rev F and so shall I.

Main Issues

3. The main issues are the effects of the proposed development upon:
 - the character and appearance of the host property; and
 - the living conditions of the occupants of 43 Acorn Way, with regard to outlook, daylight and sunlight.

Reasons

Character and Appearance

4. The appeal site is a two-storey property which forms the corner of a courtyard-style development on Acorn Way. The surrounding area is predominantly residential in nature characterised by a combination of courtyards and terraces of modest two and three storey houses and larger detached houses. The properties on this part of the estate are constructed predominantly of brick and render with tiled roofs.
5. The proposal is for a two-storey extension to the rear of the appeal property on the common boundary with 43 Acorn Way and would replace an existing smaller single storey extension on this boundary. The ground floor element of the extension would be larger than the first floor with a wraparound hipped roof linking ground floor and first floor. The first floor element would be

stepped in from all three outer sides of the ground floor and the extension roof would also be stepped down from the main ridge of the house.

6. The first floor element of the extension would be significantly smaller than the ground floor element appearing disproportionate and unduly awkward in form over the two storeys, resulting in a contrived form of development which would not respect the character and detailing of the host property. This coupled with the large extent of hipped roof around its three sides, highlights the significant mass of the ground floor element. Despite the use of materials sympathetic to the appeal property and the surrounding area, the extension would not complement the form or style of the host property. The resulting scale and massing of the extension would overly dominate the host dwelling.
7. For these reasons the proposal would cause harm to the character and appearance of the host dwelling contrary to saved Policy BD6 of the Unitary Development Plan Review (UDPR) and Policy P10 of the Leeds City Council Core Strategy (CS) 2019. I have also had due regard to Policy HDG1 of the 'Householder Design Guide' Supplementary Planning Document (SPD) 2012, which adds weight to my conclusions in this respect. Together these policies and guidance seek to protect the character and appearance of a host building and its location through high quality design that respects local design features.

Living Conditions

8. The extension would project approximately 5.5m from the rear elevation of the host dwelling and would be within close proximity of the boundary fence with No 43. However, No 43 has a garage between itself and the appeal property. As a consequence, the habitable room windows on the rear elevation of No 43 are set some distance from the boundary with the appeal property, so much that the proposal would not result in any undue harm to the outlook from these windows. The 45° rule would be marginally breached by the ground floor element of the extension, but the SPD advises that this rule should be only applied to two storey extensions.
9. Furthermore, due to the ground floor element rising only slightly above the boundary fence, there would not be any undue loss of outlook from, or daylight to, the garden of No 43. With regard to sunlight, the extension would be orientated to the north of No 43. Therefore, there would not be any loss of sunlight serving No 43.
10. The proposed extension would be approximately 13.5 metres from the rear elevation of the houses on Bramble Court and the Council accepts that this distance is adequate. Based on the evidence before me and from the observations I made on site, I am satisfied that there would be sufficient separation distance to ensure that there would not be any undue harm to the living conditions of the occupants of these properties.
11. Consequently, by virtue of the distance between the habitable room window at the rear of No 43 and the extension and the orientation between the two leads me to conclude that there would be no unacceptable harm to the living conditions of the occupants of 43 Acorn Way and properties on Bramble Court with regard to outlook, daylight and sunlight as a result of the proposed extension. As such, there would be no conflict with Policy GP5 of UDPR and Policy P10 of the CS which seeks to ensure that the impact of development on amenity is minimised. I also find no conflict with policy HDG2 of the SPD.

Other Matters

12. The appellant has stated that the proposal would not affect the character or appearance of the surrounding area. Harm to the character and appearance of the surrounding area did not form part of the Council's reasons for refusal and I have not been provided with any evidence that would lead me to conclude otherwise. The absence of harm in this respect weights neither in support of, nor against the proposal, and does not outweigh the harm to the character and appearance of the property identified above. Thus, whilst I do not disagree with the appellant in this respect it does not outweigh or alter my conclusion in respect of this main issue.

Conclusion

13. For the reasons given above, and having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR