



Appeal Decision

Site visit made on 9 December 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/N4720/D/21/3284905

9 Greenhills, Rawdon, Leeds LS19 6NP

- 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 Mrs Kayley Colley against the decision of Leeds City Council.
 - The application Ref 21/06742/FU, dated 3 August 2021, was refused by notice dated 4 October 2021.
 - The development proposed is first floor extension above existing garage and single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension and single-storey rear extension at 9 Greenhills, Leeds LS19 6NP, in accordance with the terms of the application Ref 21/06742/FU, dated 3 August 2021, subject to the conditions in the attached Schedule.

Main Issues

2. The proposal includes two different elements, but it is only the first floor extension at the side to which the Council's refusal reasons are directed. I am satisfied, as evidenced by the content of the Council's delegated report and decision notice, that the Council do not find the proposed single-storey rear extension to be unacceptable. I have no reason to reach alternative conclusions regarding this undisputed element of the scheme. My considerations in this appeal shall therefore be confined to the effects of the first floor extension.
3. Accordingly, the main issues in this appeal are the effect of the first floor extension on:
 - (i) the character and appearance of the host dwelling and surrounding area; and
 - (ii) the living conditions of the occupiers of 8 Greenhills, with particular regard to outlook, light and privacy.

Reasons

Character and appearance

4. The appeal property is a detached dwelling located within a short residential cul-de-sac of similar properties. What was once likely to have been an attached double garage at the side is now additional living accommodation, which projects out beyond the front gable elevation.
5. The Council refers to its Householder Design Guide Supplementary Planning Document 2012 (SPD), which advises that two-storey side extensions should

not exceed two thirds of the width of the main house to ensure the extension respects the proportions of the existing house. The document also stipulates that extensions achieve some degree of subservience.

6. However, the proposal is for a first floor extension. Using the former double garage as the basis for extension means that the first floor extension would be no wider than the existing house. The front of the extension would be set back behind the front gable elevation, and as a result, would sit significantly behind the forwardmost part of the house below. Furthermore, the roof ridge would be set below that of the main house and the pitch would match the existing. These factors, together with use of matching materials and fenestration, would ensure that the first floor extension would achieve an appropriate degree of subordination to the main house, and overall, would respect its form, proportions and design. Consequently, it would not have any significant impact on the character or appearance of the host dwelling or the streetscene.
7. I therefore conclude, on this issue, that the first floor extension would not harm the character or appearance of the host dwelling 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), saved Policies GP5 and BD6 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP), as well as the SPD.

Living conditions

8. The appeal property lies to the south of 8 Greenhills and close to the common boundary. However, the first floor extension would not reduce the gap to No 8, nor would it project notably past its rear elevation. It is also significant that the appeal property sits slightly below No 8, and splays away, such that the degree of separation at the rear is much larger than at the front. Furthermore, the garden of No 8, whilst relatively short in depth, is wide. Taking all these factors into account, I am satisfied that the first floor extension would not be unacceptably dominant or overbearing when viewed from No 8.
9. Given the orientation, it is likely that the bottom part of the garden of No 8 already experiences some overshadowing from the appeal property at certain times of the day. This would likely increase as a result of the first floor extension due to its height. Indeed, this is indicated on the overshadowing drawings submitted by the appellant. However, the drawings also indicate that the increase in overshadowing would be limited in extent, with only a small proportion of the garden experiencing additional overshadowing. Moreover, this would likely be limited to mid-late afternoon only. The majority of No 8's garden would therefore remain without shade for most of the day. Thus, even accounting for its orientation to the south of No 8, I am satisfied that the first floor extension would not cause unreasonable overshadowing and loss of light to No 8.
10. A window in the side elevation of the first floor extension would look directly over the garden of No 8. According to the drawings, this window would serve a walk-in wardrobe, not a habitable room. Nonetheless, the window would still be likely to create a perception of being overlooked. It is therefore appropriate for the window to be obscure glazed, and I note that the appellant would be willing to accept a planning condition to this effect. Subject to this window being obscure glazed, I am satisfied that no unacceptable loss of privacy would occur.

11. I therefore conclude, on this issue, that the development would not unacceptably harm the living conditions of the occupiers of 8 Greenhills, with particular regard to outlook, light and privacy. Thus, the proposal complies with Policy P10 of the CS, saved Policy GP5 of the UDP, and the SPD insofar as they seek to protect the living conditions of neighbours.

Conditions

12. 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. Finally, a condition requiring obscure glazing to the window in the side elevation of the first floor extension is necessary in the interests of privacy.

Conclusion

13. For the reasons given, I conclude that the appeal should succeed.

A Caines

INSPECTOR

SCHEDULE OF 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: 300027-A-103 P1; 300027-A-104 P1; 300027-A-102 P2.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the window in the side elevation of the first floor extension hereby permitted shall be glazed with obscure glass to at least level 3 obscurity and thereafter retained as such.

End of Schedule