



Appeal Decision

Site visit made on 20 December 2021

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 6 January 2022

Appeal Ref: APP/N4720/D/21/3285793

5 Bellmount Place, Bramley, Leeds LS13 2NF

- 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 Paul Tolhurst against the decision of Leeds City Council.
 - The application Ref 20/04483/FU, dated 20 July 2020, was refused by notice dated 10 September 2021.
 - The development proposed is the construction of a wooden garage/shed (retrospective).
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Decision

1. The appeal is allowed and retrospective planning permission is granted for the construction of a wooden garage/shed at 5 Bellmount Place, Bramley, Leeds LS13 2NF in accordance with the terms of the application, Ref 20/04483/FU, dated 20 July 2020 and the plans submitted with it, subject to the following condition:
 - 1) The garage shall only be used as ancillary accommodation to the main dwelling at 5 Bellmount Place and shall not be let or sold as a separate unit.

Preliminary Matters

2. The description of development given on the Application Form refers to a 'wooden double garage'. The Council have used a similar description on the Decision Notice. However, having carried out an internal and external inspection, it was evident that the building is used primarily for storing the Appellant's classic bicycle collection. It is not used for the parking of cars. I have therefore amended the description of development to better reflect the actual use of the building.

Main Issues

3. The main issues are the effect of the development on, firstly, the character and appearance of the area and, secondly, the living conditions of neighbouring occupiers with particular regards to overlooking and outlook.

Reasons

Character and appearance

4. The shed is sited to the rear and side of No 5, an unassuming end-terrace property located on the eastern side of Bellmount Place which is located within a wider post-war housing estate. The area, whilst pleasant, is not particularly remarkable or sensitive in architectural or streetscape terms and is not subject

to any townscape designations. Having surveyed the locality, it is axiomatic that this is an area where outbuildings of one form or another are fairly commonplace.

5. The appeal building has been constructed and finished to a high standard which marks it out against some of more dilapidated outbuildings in the immediate area. The Officer's Report gives the buildings dimensions as 3.2m (width) x 6.1m (length) x 2.7m (ridge height). According to the Appellant that is only 2m² over the permitted development threshold.
6. In my opinion, the garage/shed is fairly inconspicuous in public views being only readily visible in glimpses along the driveway. As a result, it has a negligible impact on the street-scene. At the time of my visit, I saw little to support the Council's assertion that the building is cramped since a good-sized driveway has been retained as well as a sitting out area to the rear of the property. It is also worth noting that this is not a particularly spacious area, on the contrary, it is a high-density residential estate. Moreover, relevant to the allegation that the development is cramped is the fact that the appeal building is only marginally larger than that allowed under permitted development rights.
7. The Council refer to views from Nos 11-17 from where it is alleged the building appears as an incongruous substantial mass. Putting aside that these are private rather than public views, it is doubtful whether the building could even be seen from the rear gardens of No 15 and 17 considering local topography. The impact of the building on the occupiers of No 11 is dealt with under the second main issue.
8. In light of the foregoing, I conclude the development does not harm the character and appearance of the area. Accordingly, there is no conflict with Policy P10 of the Core Strategy, Policies GP5 and BD6 of the UDP¹, guidance in the Householder Design Guide 2012 or the National Planning Policy Framework (the Framework).

Living conditions

9. The Council's second reason for refusal alleges an overbearing and dominating impact on the rear gardens of Nos 1, 3 and 11 Bellmount Place and a loss of privacy to Nos 1 and 3.
10. The first point to make is that this is a densely built-up area where a significant amount of mutual overlooking is to be expected and, in all likelihood, tolerated by neighbouring occupiers.
11. Whilst the Design Guide does not categorise garage/shed windows, in my view they are to be considered 'non-habitable' or somewhere between 'tertiary' or 'side' to use the language of the Design Guide. Having observed the view out of the appeal building, in my opinion it was not possible to gain any meaningful view of neighbouring gardens. The fact that no objections were received at either the application or appeal stage belies the level of harm suggested by the Council.
12. The building clearly has an impact on the outlook from the rear garden of No 11 which is located at a lower level directly behind the appeal building. However, in my view the impact is relatively minor given the orientation of the

¹ Full Title: Leeds Unitary Development Plan (Review 2006)

building to the garden. Although elevated, the garage/shed appears to sit well below the roofline of Nos 1 – 9. As a result, there is no suggestion that it causes any overshadowing of the rear garden. The appeal building is also set-back from the boundary behind a narrow strip of land containing other outbuildings. Finally, as the Appellant points out, only a small portion of the roof is over the 2.5m permitted development limit. Accordingly, I am not persuaded that there would be any perceptible difference between the appeal building as opposed to one that could be lawfully constructed under permitted development rights. That is a significant material consideration weighing in favour of the appeal.

13. On the second main issue I therefore conclude that the building does not have an unacceptable effect on the living conditions of neighbouring occupiers with particular regards to overlooking and outlook. Accordingly, there is no conflict with Core Strategy Policy P10, UDP Policy GP5, the Householders Design Guide or the Framework.

Conclusion

14. To safeguard the amenity of neighbouring occupiers, I have imposed a condition tying the use of the garage/shed to the occupation of the No 5.
15. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector