



Appeal Decision

Site visit made on 25 January 2022

by C. Megginson

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/N4720/D/21/3285703

12 Turnberry Grove, Alwoodley, LEEDS, LS17 7TD

- 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 Michael Tankle against the decision of Leeds City Council.
 - The application Ref 21/04759/FU, dated 30 June 2021, was refused by notice dated 23 August 2021.
 - The development proposed is single storey extension to side and rear of house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development upon the living conditions of the occupiers of the neighbouring residential properties at 10 and 14 Turnberry Grove, with particular regard to outlook and daylight.

Reasons

3. The appeal site is a semi-detached property located within a cul-de-sac of similar semi-detached and detached properties, with open front gardens and driveways to the front and side. Many of the properties have detached garages in the rear gardens which feature a flat or gently sloping roof. The appellant notes that a previous detached garage at the appeal site has been demolished. No 14 Turnberry Grove does not have a garage and the boundary between No 14 and the appeal site is completely open along its entire length. This results in an open feel to the boundary of both properties.
4. The proposal comprises of a side extension to the property, to be partly built over an existing driveway and garden land to rear. This would be built very close to the open boundary with no 14. The extension would carry around to the rear of the property and have a mixed roof style, with a lean to roof adjacent to the host dwelling and a pitched roof over the proposed study/bedroom.
5. Due to the construction of the proposal up to the open boundary of the properties, the proposed development would be sited only 2m away from the rear elevation of No 14. With an imposing blank wall and roofline, the proposal would consequently create a dominant and oppressive feature which would have an overbearing effect resulting in a loss of outlook, and due to its orientation to the east of No 14, a loss of light, on the occupiers of No 14 from both the back garden and the rear facing habitable rooms of this property.

6. The extension to the rear of the property would be set close to the boundary with No 10 Turnberry Grove and would extend over 3.7m along the fenceline. This would be positioned close to the rear elevation windows of No 10, which would be contrary to the guidance in the Leeds City Council Householder Design Guide SPD (2012) which states that where a greater projection than 3m is sought there must be a further step away from the boundary in order to prevent significantly harmful effects upon neighbouring dwellings by way of overdominance and overshadowing.
7. The rear elevation of No 10 contains a window to a habitable room and I consider that the combined depth, height and proximity of the proposed rear extension to this window would have an adverse impact on the living conditions of its occupants in terms of a loss of outlook, and loss of daylight in the evening
8. The appellant notes that adjacent properties have existing garages tight on the boundary and that parts of the proposed development would be considered as permitted development. However, while I recognise that there are detached garages along garden boundaries, the circumstances for each garage are likely to be different, and from my site visit I did not see any garage comparable in length and height to the appeal proposal. In terms of permitted development rights, there is very little detail provided as to the extent of what it is considered could be carried out. It is open to the appellant to utilise permitted development rights should they wish to do so
9. My attention has been drawn to an extension at an adjacent neighbour's house. However, I have been provided with little evidence. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar proposals may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits. It has also been put to me that the proposal would improve security for the residents of No 14. However, I have no evidence on this matter and any security issues could be solved by other means.
10. I therefore conclude that the proposed development would have a harmful effect upon the living conditions of the occupiers of the neighbouring residential properties at No 10 and No 14 Turnberry Grove, with particular regard to outlook and daylight. The proposal is therefore contrary to the amenity protection aims of Policies P10 of the Leeds Core Strategy (2019), Saved Policy GP5 of the Revised Leeds Unitary Development Plan Review (2006), Policy HDG2 of the Householder Design Guide SPD (2012) and the National Planning Policy Framework (The Framework) which require new development to protect the amenity of existing residents.

Other Matters

11. The appellant has outlined that the appeal proposal is necessary for accessibility and accommodation to support a self-contained living space due to medical conditions. They have also highlighted the significant stress and anxiety caused by the rejection of the plans. Whilst I am sympathetic to the plight of the applicant's partner and I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

in the public interest. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan, the SPD and the Framework.

Conclusion

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

C. Megginson

INSPECTOR