



Appeal Decision

Site visit made on 3 February 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2022

Appeal Ref: APP/N4720/D/22/3290108

21 Woodhall Croft, Stanningley, Pudsey LS28 7TU

- 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 Saroush Khan against the decision of Leeds City Council.
 - The application Ref 21/04917/FU, dated 1 June 2021, was refused by notice dated 7 December 2021.
 - The development proposed is Double Storey Rear Extension, Garage Conversion with Extended Front Wall, Increased Height & Roof Alterations & Front Porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the living conditions of occupants of the host property with regard to amenity space, and 2) the living conditions of occupants of adjacent residential properties with regard to outlook.

Reasons

Living conditions – occupants of host property

3. The appeal property is a two-storey detached dwelling. It is located in a predominantly residential area where surrounding residential properties are characterised by their relatively spacious setting with front and rear gardens. Like the majority of surrounding properties, the appeal property has a front and rear garden, with the latter also containing a detached garage. It is clear from the evidence that the appeal property is a family sized dwelling.
4. The Council have raised no objection to the proposed porch and conversion of the garage. I have no reason to form a different view.
5. The proposed rear extension would project 4m from the rear of the property. It would cover around half of the existing rear garden area, leaving a rear garden area of approximately 4m in depth. When combined with the detached garage building, that is proposed to be converted, the proposed extension would result in the overdevelopment of the plot, leaving an unacceptable amount of private amenity space for this family sized dwelling. For a family sized dwelling such as the appeal property, these size properties are in greatest need and requirement for outdoor play, recreation and socialising.

6. I acknowledge that the front garden area of the property would be retained in its current form and would be not reduced in size as a result of the extension. The open plan nature of the street-scene does not give the front garden the same level of privacy. Front gardens are typically not used in the same manner as rear gardens. For these reasons, I give this argument limited weight in the appeal.
7. The proposed development would therefore cause significant harm to the living conditions of occupants of the host property with regard to amenity space. It would be contrary to Policy P10 of the Leeds Core Strategy (2014 Amended 2019) and saved Policies GP5 and BD5 of the Leeds Unitary Development Plan (2006). These policies seek, amongst other things, that development protects the visual, residential and general amenity of the area through high quality design that protects useable space.
8. The proposed development would also be contrary to guidance contained in the Neighbourhoods for Living Supplementary Planning Document (2015). This guidance outlines that private gardens for family homes should have a minimum area of two thirds of the total gross floor area of the dwelling, excluding vehicular provision.

Living conditions – occupants of adjacent properties

9. There are two storey detached properties to either side of the appeal property, namely nos. 19 and 23 Woodhall Croft. No. 19 is separated from the site of the proposed extension by the driveway and garage to the side of the appeal property. No. 23, which sits in a slightly elevated position above the appeal property, is separated by a strip of undeveloped land within its curtilage.
10. Due to its overall height, scale and massing, the extension projecting some 4m from the rear of the existing property, over two storeys, would appear dominant and imposing. It would be highly noticeable from the rear windows of the adjoining properties and their gardens. For these reasons it would cause significant harm to the outlook from these properties.
11. The proposed development would therefore be contrary to Policy P10 of the Leeds Core Strategy (2014 Amended 2019) and saved Policy GP5 of the Leeds Unitary Development Plan (2006). These policies require, amongst other things, that development protects and avoids loss of residential amenity.
12. The proposal would also be contrary to Policy HDG2 of the Leeds Householder Design Guide Supplementary Planning Document (2012) which outlines that development proposals should protect the amenity of neighbours and proposals which harm the existing residential amenity of neighbours through overdominance or overlooking will be strongly resisted.

Other Matters

13. In support of the appeal, the appellant has referred to a similar extension built in the area. I am not, however, provided with any details or plans of any similar extensions in order to give this matter any determinative weight.
14. The appellant has referred to the proposed development's compliance with the 45-degree rule in terms of overshadowing. This has not, however, been demonstrated on the plans before me. Additionally, the harm I have identified to the living conditions of adjacent occupants is in relation to outlook as

opposed to overshadowing. Either way, I have found the proposed development to be unacceptable on both main issues.

15. I understand the wishes of the appellant to provide additional space at their property. However, such personal circumstances seldom outweigh general planning considerations and there are no exceptions in this case.

16. I appreciate that the appellant may be content to have a rear garden of the reduced size that would remain as a result of the development. I am however mindful that the occupants of properties change over time.

Conclusion

17. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

18. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR