



Appeal Decision

Site visit made on 22 February 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Appeal Ref: APP/N4720/D/21/3288865

7 Victoria Crescent, Horsforth, Leeds LS18 4PT

- 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 S & S Grime against the decision of Leeds City Council.
 - The application Ref 21/07232/FU, dated 25 August 2021, was refused by notice dated 11 November 2021.
 - The development proposed is two storey and single storey side and rear extension; new first floor window to side.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of residents of 9 Victoria Crescent with regards to outlook and light.

Reasons

4. The appeal site has an existing two storey offshoot to the rear, which is set back from the side gable wall of the dwelling and the boundary with No 9. The proposal consists of creating a two storey extension within the gap to the side of the existing offshoot, with a further single storey extension projecting to the rear.
5. The Council refers to various measurements and criteria, including the 45 degree code set out in its Householder Design Guide 2012 (HDG), which it considers the proposal would not comply with.
6. With regards to outlook, the appellants emphasise that this is a subjective assessment. Nevertheless, the criteria referred to by the Council are useful 'rules of thumb' to highlight where potentially negative effects on the outlook from neighbouring properties could occur. The main rear elevation and part of a rear offshoot at No 9 are set back from the rear of the appellants dwelling.

The proposal would bring the two storey element of this part of the host dwelling closer to the boundary with No 9, and due to its scale, projection and proximity the proposed two storey extension would be an overbearing feature in views from No 9. This would affect rear-facing windows of No 9, as well as an extent of the rear amenity area. This would be the case even allowing for the set-back of the extension from the site boundary.

7. Due to the arrangement of the properties, the proposal would only lead to a loss of direct sunlight early in the morning. However, the proposal is of such a scale and proximity that it would lead to some loss of daylight to No 9, which would add to its overbearing effect.
8. The appellants refer to planning permission granted for an extension at 90 Victoria Gardens. However, it has not been demonstrated that that decision represents a direct parallel to the appeal proposal in respect of the relative arrangement of the properties affected. In any event, I have determined this appeal on its own merits.
9. The residents of No 9 have not objected to the proposal. However, this does not lead me to a different conclusion based upon what I have seen and read.
10. I conclude that the proposal would lead to significant harm to the living conditions of residents of No 9 in respect of outlook and light. The proposal would therefore be contrary to the amenity requirements of policy P10 of the Core Strategy and saved policy GP5 of the Unitary Development Plan Review. The proposal would also be contrary to the advice of the HDG with regard to protecting the amenity of neighbours.
11. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR