The Planning Inspectorate

Appeal Decision

Site visit made on 26 April 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/N4720/W/22/3293768
Flat 1, 52B Barleyhill Road, Garforth, West Yorkshire LS25 1DY

- 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 Robert Feeney of Ledston Homes Ltd against the decision of Leeds City Council.
- The application Ref 21/05207/FU, dated 9 June 2021, was refused by notice dated 22 September 2021.
- The development proposed is two storey rear extension.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Robert Feeney against Leeds City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. It has been indicated that the Leeds Houses in Multiple Occupation, Purpose-Built and Co-Living Amenity Standards Supplementary Planning Document is not formally adopted. On this basis I attribute minimal weight to this document.

Main Issues

4. The main issues are the effect of the proposal on the living conditions of occupiers of the appeal property and neighbouring properties in terms of outlook, privacy and amenity space.

Reasons

Living conditions (outlook)

5. The proposal would introduce a triple aspect bay window at lower ground floor, and a distance of approximately 9 metres would be achieved at an angle from the lower ground floor window to the corner of the site. This window arrangement would be contrived as this 9 metre viewable distance would only be achieved from a small section of the room. There would also be a level difference in the land adjacent to this window which would further compromise outlook for future occupiers.

6. The proposed bay window in the lower ground floor room would be located around 4.9 metres from the boundary to the north and depending on the angle

viewed from the window, this distance to boundary would be further. On balance however, given the size of the room and window, the proximity of the boundary to this proposed window, as well as the height of the boundary treatment and the difference in site levels, this would result in a poor outlook to the detriment of future occupiers of this room.

7. Whilst it is indicated that the proposed rooms meet HMO size requirements, due to the design and location of the lower ground floor window, the proposal would create an oppressive environment in the lower ground floor room that would adversely affect the living conditions of future occupiers in terms of outlook.

8. It is noted that there is an existing window adjacent to the proposal with a similar relationship in terms of proximity to the boundary of the site. There is no indication of what type of room this window serves and whether it is therefore directly comparable to the appeal scheme. I have little evidence before me on how and why this window was granted permission and it does not alter my findings with regards to the proposal. I have assessed this appeal on its own merits.

9. I have had regard to the appellants statement of case including other approved bay windows detailed in appendix D. These other windows in appendix D are not directly comparable to the appeal scheme, particularly with regards to location and positioning in relation to boundary treatment. I also do not have sufficient information which indicates whether the size of the rooms for the windows in appendix D are comparable to the proposal.

10. Appendix G of the appellants statement of case details various window treatments. The Council have not provided any detailed comments on these and there is no indication that there has been any formal statutory consultation on them. On this basis, I afford no weight to the various options in appendix G.

11. Accordingly, the proposal would have a harmful effect on living conditions of future occupiers of the proposal with regards to outlook. The proposal would be contrary to P10 of the Leeds Local Plan Core Strategy, Policies GP5 of the Leeds Unitary Development Plan and the National Planning Policy Framework (the Framework) which seeks development to protect residential amenity.

Living conditions (amenity space and privacy)

12. The appellant has provided information on the amount of amenity space that would be provided at the site. Whilst some of the amenity area indicated in the appellants documentation is hard standing, observations at my site visit indicates that there is plenty amenity area that can be utilised by occupiers of the appeal flat and neighbouring flats. The area where the proposal would be located seems to be an unused area of land, and I do not consider the loss of this area would have an adverse effect on the availability of amenity space. The proposal would therefore not have a detrimental effect on the living conditions of occupiers of the appeal flat and surrounding flats in terms of amenity area.

13. The proposed upper floor window would overlook the driveway and front garden area of 88 Lyndon Avenue (No 88). The property of No 88 is set back from the proposed extension and given the position of the proposed upper floor window, orientation and siting of the extension, there would be no direct views into windows of No 88 and therefore privacy of the occupiers of this

neighbouring property would not be adversely compromised. No 88 is set at the end of a cul-de-sac with little pedestrian and vehicle activity, nevertheless, the overlooking from the proposed upper floor window would be onto the front area of No 88 which is open and not a private area. I do not consider that the level of overlooking onto the driveway and front garden area of No 88 would be detrimental to the living conditions of its occupiers.

Conclusion

14. The proposal would not have a detrimental effect on the living conditions of occupiers of neighbouring properties in terms of privacy and amenity area. However, these matters would not outweigh the harm I have identified with regards to the effects on living conditions of future occupiers of the proposed lower ground floor room with regards to outlook.

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.

16. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR