



Appeal Decision

Site visit made on 28 June 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2022

Appeal Ref: APP/N4720/D/22/3297400

4 Mavis Grove, Cookridge, Leeds LS16 7LN

- 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 Paula Butkus against the decision of Leeds City Council.
 - The application Ref 21/07175/FU, dated 24 August 2021, was refused by notice dated 4 March 2022.
 - The development proposed is described as proposed extension to front/first floor extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the occupants of 10, 12, 14 and 16 Moseley Wood Lane.

Reasons

3. 4 Mavis Grove is a detached house located within a suburban residential area. The prevailing character of the area consists of properties within spacious plots. Properties generally have larger rear and smaller front gardens. The rear gardens generally abut which helps in ensuring properties and their gardens are not significantly overlooked. Though No 4 is set within a relatively spacious plot, in contrast with most properties in the area, its larger garden space is located to the front whilst the rear of the house comes close to the gardens of properties on Moseley Wood Lane. It is therefore positioned much closer to the neighbouring gardens than typifies the area. Though predominantly single storey, the house has some first floor accommodation.
4. I accept that there is a good degree of separation between the host property and those on Moseley Wood Lane, but not in terms of proximity to the gardens associated with those properties. No 4 already includes a first floor dormer window which existing plans identify as serving a loft room. This window is situated such that, when within the loft room, some overlooking of rear gardens on Moseley Wood Lane is possible. However, the window proposed to bedroom 1 on the first floor would be sited closer to parts of the gardens of 12, 14 and 16 Moseley Wood Lane than the existing dormer window.
5. Clear views of significant sections of the gardens at Nos 14 and 16 would be available if looking through this bedroom window. Though I noted the presence of a boundary fence and adjacent planting, they are too low to screen views from the proposed window. Intervening planting cannot be relied upon to grow

higher and provide a greater degree of screening in the future. In the context of the spacious suburban setting the proximity of the bedroom window to the gardens of Nos 14 and 16 would be out of character. It's presence, and views through it, are likely to reduce the degree of privacy in neighbouring gardens to an unacceptable extent, increasingly divergent from prevailing levels of privacy here. The same degree of potential for harmful overlooking would not, in my view, occur in respect to the garden of No 12 due to the more acute viewing angle.

6. The proposed rear elevation of the extended property contains first floor windows to a bathroom, en-suite and a dressing room. Each of these windows is annotated on the plans as having obscured glazing. As a result, no unacceptable overlooking of Nos 10 and 12 would occur in those regards. As the host property is sited to the north of the gardens at Nos 10 and 12, the sun will appear to move in an arc in the southern sky rather than the north. Therefore, the extension will not cause shadowing of these gardens.
7. The first floor extension would make the house larger and somewhat more imposing than at present when viewed from the gardens of Nos 10 and 12. However, it is the eaves of the extended property that would be closest and the roof would slope away from the boundary to the highest point at the ridge. The elevation closest to Nos 10 and 12 would not be uniform, it would have recessed and projecting elements which would break up the scale and mass. Consequently, I find that the proposal would not cause a dominating effect when viewed from the gardens of Nos 10 and 12.
8. Nevertheless, due to the harmful overlooking effects identified to the gardens of 14 and 16 Moseley Wood Lane, the development would fail to adequately protect the residential amenity of the occupants of those properties, contrary to policy P10 of the Leeds City Core Strategy 2014, as amended, policy GP5 of the Leeds Unitary Development Plan and advice within HDG2 of the Householder Design Guide. In summary, and amongst other things, those policies and provisions seek to ensure that development protects the living conditions of occupiers including in respect of their privacy.

Other Matters

9. The proposal would provide additional accommodation to serve the occupants of the host property. However, such benefits are not reliant on the particular scheme before me, and such benefits do not outweigh the harm that I have identified.

Conclusion

10. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR