

# Appeal Decision

Site visit made on 8 August 2022 by Hilary Senior BA (Hons) MCD MRTPI

## Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

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### Appeal Ref: APP/N4720/D/22/3301857

#### 19 Ravensworth Way, Manston, Leeds, LS15 8UT

- 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 Ray Hiley against the decision of Leeds City Council.
  - The application Ref 22/01517/FU, dated 28 February 2022, was refused by notice dated 26 April 2022.
  - The development proposed is demolition of conservatory and construction of single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook.

### Reasons for the Recommendation

4. The host property is a semi detached dwelling located at the end of a cul de sac in a residential area with a mix of house types. It has an existing rear conservatory which extends to the shared boundary with No 21 Ravensworth Way.
5. The guidance in the Householder Design Guide Supplementary Planning Document (2012) (SPD) states that proposal should protect the amenity of neighbours and that as a rule of thumb single storey extensions along a common boundary can project 3 metres. In this case the proposed extension would be 4 metres and so it would be beyond the rule of thumb guidance in the SPD.
6. The proximity of the extension to the party boundary, its height above the existing conservatory and its rearward projection would have an enclosing effect on the outlook from the kitchen window of No21. It would also have an overbearing effect on the rear garden area close to the property making this space and the kitchen a less pleasant space to spend time in.

7. I acknowledge that the high level windows of the conservatory would be removed and that the proposed materials would be in keeping with the host dwelling. However, due to the proposed flat roof construction of the extension, the brick wall would be substantially higher than the current eaves of the conservatory adding to the overbearing effect of the proposal.
8. I note that the appellant states that the proposal would fall within the limits for permitted development for larger extensions. Consideration of those proposals has a separate process. The proposal before me relates to an application for planning permission and I have assessed it accordingly.
9. In conclusion, the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of No. 21 Ravensworth Way, with particular regard to outlook. It would therefore fail to comply with Policy P10 of the Core Strategy (2019) and Policy GP5 of the Unitary Development Plan Review (2006) which together, amongst other things, seek to ensure that development does not cause a loss of amenity to other occupiers.

### **Other Matters**

10. There were no formal objections from the current neighbours, however, the National Planning Policy Framework requires that development creates places that provide a high standard of amenity for both existing and future users.
11. A number of local examples of rear extensions have been brought to my attention. I do not have full details of these schemes, however, they appear to relate to prior approval applications, and therefore these were not determined under the same process as the appeal before me. In any event, I have assessed this appeal on its own merits based on the site-specific circumstances of the case.

### **Conclusion and Recommendation**

12. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

*Hilary Senior*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*K Taylor*

INSPECTOR