



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: 7th September 2022

Appeal Ref: APP/N4720/D/22/3297034

6 Belvedere View, Alwoodley, Leeds LS17 8BR

- 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 Stephen Donaghy & Anna Cooney against the decision of Leeds City Council.
 - The application Ref 22/01218/FU, dated 17 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is 1) ground floor single storey front & side extension
2) first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for 1) ground floor single storey front & side extension 2) first floor rear extension at 6 Belvedere View, Leeds LS17 8BR in accordance with the terms of the application, Ref 22/01218/FU, dated 17 February 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1000 v2.3f, 1002 v2.3f and 1003 v2.3f.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The first floor rear extension hereby permitted shall not be occupied until the window located within the chamfered corner has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The glazing shall be obscured to at least level 3 of the Pilkington glass privacy scale (or equivalent). Once installed as such the window shall thereafter be retained.
 - 5) No development hereby permitted shall be undertaken before a landscaping scheme, which shall include details of all retained trees and planting, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include provisions for its implementation and maintenance and shall be adhered to in line with the details thus agreed.

Preliminary Matters

2. The appellant has made reference to costs, but no application has been made and there is no clear evidence of unreasonable behaviour.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of 8 Belvedere View.

Reasons

4. 6 Belvedere View is a semi-detached house located within a predominantly residential area. No 8 adjoins and both properties are served by spacious rear gardens. Each property has a two storey off-shoot at the rear. No 6 has a further single storey rear extension. Adjacent to that No 8 has a patio, accessed via a glazed door at the back of the house which has windows adjacent to it and first floor window above. The gardens are separated by a timber fence with a hedgerow running next to it on the No 8 side.
5. The proposed front and side extension would be a modest addition to the property, and they would be spaced away from the neighbouring house. They would be appropriately designed with the hipped roof and chamfer being sympathetic to the existing roof profile and the front bay window. I therefore agree with the Council that this extension would be acceptable.
6. The first floor extension would be chamfered so that as the extension projects farther out it progressively splays away from the boundary with No 8. The proposed extension would also be inset, albeit only slightly, from the boundary with No 8. Its design would therefore moderate effects on neighbours.
7. Levels of outlook available from and light received by the patio, door and windows at No 8 will already be affected by the existing rear projections at that property and No 6. Whilst boundaries can and do change, the proximity of the existing hedgerow contributes further to a sense of enclosure at the rear of No 8 and causes shade.
8. The proposed first floor extension would result in some further effects upon outlook, light and sense of enclosure. However, the magnitude of any additional effects from the extension upon the occupiers of No 8 in this regard would be low. Moreover, the patio makes up only a small proportion of the significant rear garden space which serves No 8.
9. The window located within the chamfered section of the first floor extension would be orientated towards sections of the rear garden of No 8. However, the plans are annotated that the window would be obscurely glazed. A condition could ensure that this is the case and that the window has a restriction on its means of opening. This would prohibit views across the garden of No 8.
10. Accordingly, I consider that the living conditions of the occupiers of No 8 would be adequately protected in accordance with Policy P10 of the Leeds City Core Strategy 2014, as amended, Policy GP5 of the Leeds Unitary Development Plan and advice at paragraph 130 of the National Planning Policy Framework (the Framework). Notwithstanding the guidance in the Council's Householder Design Guide Supplementary Planning Document (published April 2012, SPD) for the foregoing reasons the scheme would nonetheless be acceptable. In summary,

and amongst other things, those policies and provisions seek to ensure that development protects the living conditions of occupiers including their privacy and levels of light that they receive.

Conditions

11. I have imposed a plans condition which is needed in the interests of clarity and a condition to secure the appropriate use of materials which is needed to protect the character and appearance of the area. To ensure a window maintains privacy, I have attached condition 4.
12. I have imposed an amended and consolidated condition 5 in relation to trees and landscaping to ensure the tests in the Framework in respect of conditions are met. Mature trees are located on the periphery of the front and rear garden which contribute positively to the character and appearance of the area. No works to these trees are proposed on the plans. However, the trees, particularly those at the front, are close enough to the development that some effects, including from its construction, cannot be ruled out.
13. Section 197 of the Town and Country Planning Act 1990 (as amended) places upon me a duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. With this in mind, it is appropriate to impose the condition to preserve the wellbeing of the trees and clarify any further planting. Given the contribution the trees make to the area, and as any form of construction work may affect the wellbeing of the trees, it is appropriate that such a condition applies prior to the commencement of the development hereby permitted.

Conclusion

14. For the reasons set out above, the appeal is allowed subject to the conditions above.

H Jones

INSPECTOR