



Appeal Decision

Site visit made on 28 September 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2022

Appeal Ref: APP/N4720/D/22/3304350

1 Cricketers Green, Yeadon, Leeds LS19 7YS

- 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 Ithsham against the decision of Leeds City Council.
 - The application Ref 22/01887/FU, dated 14 March 2022, was refused by notice dated 18 May 2022.
 - The development proposed is part 2-storey side & rear extension (resubmission of 21/08869/FU).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i. The living conditions of occupiers of No 3 Cricketers Green, with regard to outlook, light and privacy; and
 - ii. The character and appearance of the area.

Reasons

Living Conditions

3. When viewed from the rear of the adjacent dwelling of No 3 Cricketers Green, the appeal dwelling sits on raised ground to the rear and left. It is clearly visible from the rear windows and modestly sized rear garden of No 3. The development would extend the ground and first floor mass of the appeal dwelling noticeably closer to No 3, with part of the 2-storey extension almost abutting the boundary between the properties. Coupled with the raised ground level of the appeal property, the resulting effect would be a dominant and overbearing development that would be intrusive to outlook from the rear windows and garden of No 3.
4. I note both parties have competing views on the effects of overshadowing and loss of light, and the appellant has submitted illustrations to support the proposals in this context. Whilst the illustrations show the development to have no effect on the rear windows of No 3, they do show increased overshadowing of a meaningful proportion of the rear garden. On the basis of the garden's modest size, the occupants of No 3 would experience a degree of overshadowing and loss of light that would be detrimental to their living conditions.

5. Turning to privacy, one of the new bedrooms would be served by 2 first-floor windows. These are shown on the rear and side elevation drawings. The window on the proposed rear elevation drawing is labelled as obscured. Although it would be close to the boundary facing the rear garden of No 3, I find this would be a satisfactory measure to prevent overlooking and loss of privacy.
6. The plans do not show the proposed first-floor window on the side elevation to be obscured. This window is sited in very close proximity to the property boundary and would afford direct overlooking of the side garden of No 3. I note the existing house has a clear window overlooking this same area, though the potential for overlooking is not directly comparable. Views from the existing window are partly interrupted by the garage roof of the appeal dwelling, whereas the proposed window would be closer to the property boundary and uninterrupted by structures. I also note the existing window serves a landing, where views out will be largely limited to passing glances. In contrast, the proposed window would serve a bedroom, where occupants are more likely to spend prolonged periods of time. As such, the proposed bedroom window would demonstrably increase the potential for overlooking of the neighbouring garden.
7. For the above reasons, I conclude that the proposals would result in harm to the living conditions of neighbouring occupiers as a result of loss of outlook, light and privacy, which would be in conflict with the aims of Saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006) Volume 1:Written Statement (the 'LUDP'), and Policy P10 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019) (the 'CS') which together seek to ensure developments protect residential amenity. There would also be conflict with the Householder Design Guide Supplementary Planning Guidance (the 'HDGSPG'), which has similar aims.

Character and Appearance

8. The appeal site is a detached dwelling on a prominent corner plot at the entrance to a residential estate. It faces both Green Lane and Cricketers Green, with vehicular access taken from Cricketers Green, and is visible from several surrounding vantage points. The immediate surroundings comprise mainly of detached dwellings. The appeal site does not correspond with the building lines or street pattern of the closest dwellings. Accordingly, its relationship with neighbouring dwellings differs from the more uniform pattern generally found in the surrounding area.
9. The various extensions to the side and rear would alter the character and appearance of the dwelling, most notably through the increased massing. However, because the dwelling sits within a spacious plot and a good amount of usable garden area would be retained, I find that cumulatively the proposals would not appear unduly dominant in the context of the existing dwelling or surrounding area.
10. The extensions would reflect the general design and detailing of the existing dwelling in terms of the roof shape and pitch angle, positioning and design of windows, and use of similar materials. The elevation fronting Green Lane features a mixture of window styles, with bow windows to the right-hand side and flush fitting windows to the left. This variation detracts from the overall symmetry and also adds an element of three-dimensional design. As such, the

introduction of the extensions would not create harm through a loss of symmetry. Furthermore, setting back the front elevation at first floor level would respect the scale and proportions of the main dwelling, and would reflect the evolving character of the area that is evident through other extensions and alterations in the vicinity.

11. The porch proposed on the Green Lane elevation would span a large proportion of the gap between the ground floor windows, though a gap would be retained to the window edges. The general design and detailing of the porch would be compatible with the remainder of the dwelling, and its scale would not be out of proportion. The remaining extensions would be designed to adequately reflect the character and appearance of the dwelling and the surrounding area.
12. For the above reasons, I find the proposals would respect the character and appearance of the area in accordance with Saved Policies BD6 and GP5 of the LUDP, and Policy P10 of the CS, which together require developments to provide good design that is appropriate to the location. It would also comply with Policy HDG1 of the HDGSPD, which has similar aims.

Conclusion

13. The proposed development would fail to accord with the policies of the Development Plan as a whole and there are no other considerations that outweigh this conflict. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR