



Appeal Decision

Site visit made on 25 January 2023

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/N4720/D/22/3303829

825 York Road, Leeds LS14 6AA

- 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 Andrew Loftus against the decision of Leeds City Council.
 - The application Ref 22/02000/FU, dated 17 March 2022, was refused by notice dated 7 July 2022.
 - The development proposed is described as 'retrospective application for an extension to an existing outbuilding to rear including raised platform and steps.'
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Decision

1. The appeal is allowed and planning permission is granted for development described as 'retrospective application for an extension to an existing outbuilding to rear including raised platform and steps' at 825 York Road, Leeds LS14 6AA in accordance with the terms of the application, Ref 22/02000/FU, dated 17 March 2022, subject to the following condition:
 - 1) The development hereby permitted is as shown on the following approved plan: 002 Rev A, dated 5/22.
 - 2) The timber privacy screen as shown on the plans hereby approved shall be retained hereafter.

Preliminary Matters

2. I have taken the above description from the appeal form. It is the same description as is shown on the decision notice and most accurately and concisely describes the development to which the appeal relates. Since it has been used on documents presented by both main parties, and it does not fundamentally affect the proposals as they were originally made, no parties would be prejudiced by my use of it. I have proceeded on this basis.

Main Issues

3. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of the occupiers of Nos 126 and 128 The Oval.

Reasons

Character and Appearance

4. The appeal site is the rear garden to No 825 York Road. The host building is one half of a pair of semi detached two storey dwellings set back from and facing the dual carriageway. There is a service station forecourt to the opposite side. The contents of the rear gardens are largely obscured from the

public realm by the existing dwelling and the services station's ancillary equipment. Outbuildings are a feature of rear gardens in the immediate and wider area. They vary in their scale.

5. Due to the extension to the outbuilding being to the rear of the existing, its own influence on public views is very limited. What can be seen, is also read in the context of the more utilitarian features of the adjacent forecourt. In the context of the size of others in the immediate area, the resulting building does not strike me as being excessively large. It is so when compared to the existing dwelling. Albeit the latter is much wider, arranged over multiple floors and has a wide spanning roof. This, and the fact it is set much further forwards in the plot, means the resulting outbuilding remains recessive both visually and spatially. The garden otherwise remains relatively open and unincumbered, reflective of the sizes in the wider area.
6. With this in mind, the development does not harm the character and appearance of the area. As such, it complies with Policy P10 of the Leeds City Council Core Strategy Selective Review (2019) (CS), saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (2006) (UDP), Policy HDG1 of the Householder Design Guide (2012) (HDG) and the National Planning Policy Framework (2021). Together, and amongst other things, these policies require new development, extensions to dwellings specifically, to respect the scale, form and design of the host building and be of a high quality, inclusive and contextually appropriate design generally.

Living Conditions

7. The extended section of the outbuilding directly abuts the rear boundary of Nos 126 and 128 The Oval, a residential estate to the north of the appeal site. By virtue of the higher ground level, the gable end of the extension does have something of a looming presence that is without doubt noticeable for users of the two gardens. That said, its effect in this regard is not materially different to the same of the close boarded timber fence and planting which sits on the rear boundary of the service station. In addition, the use of a timber finish to the gable end results in something noticeably less stark than masonry. It assists in assimilating with boundary treatment commonly associated with abutting residential gardens.
8. In terms of the outlook from rear windows of Nos 126 and 128, their respective gardens are not overly long but their outlook has historically been of fencing and boundary treatment on higher ground levels to their own. There was thus some strong visual imposition to what occupiers of the affected rooms experienced before the development. Taking the above into account I do not feel the extended outbuilding is so significantly different to the pre existing situation so as to amount to harm to the outlook for occupiers.
9. The third strand of the Council's concerns in regard to this main issue is the potential for overlooking from the decking area that has been installed as a means to access the extended section. I agree with the Council that standing on this deck would permit views down into the rear gardens of the aforementioned dwellings which in turn, affects their privacy.
10. In response, the appellant has erected a timber screen close to the foot of the garden and roughly where the development abuts other rear gardens. I have stood on the decking and the height of the screen is sufficient to restrict direct

views into neighbouring gardens. The screen has added some further built form to the small area at the foot of the appeal site but in using timber, it has the appearance of and similar effect to a section of close boarded fence which is pre existing. I do not feel the extra effect of it, its height particularly which is only marginally taller than existing fencing, tips it into being harmful.

11. I am therefore satisfied that the appeal scheme does not adversely affect the living conditions of neighbours. The occupiers of Nos 126 and 128 The Oval specifically. As such, there is no conflict with Policy P10 of the CS, Policies GP5 and BD5 of the UDP or and Policy HDG2 of the HDG. Together, and amongst other things, these policies seek to ensure that development is of a high quality and inclusive design which protects the residential amenity of an area and avoids the loss of amenity to neighbours and generally.

Conditions

12. Since the planning permission being granted by the appeal is retrospective, I have referred to the approved plans for enforcement purposes and to correctly identify the development to which planning permission relates. I have also imposed a condition requiring the retention of the timber screen, to safeguard against its removal in the future and subsequent effect it could have on the privacy of neighbouring occupiers.

Conclusion

13. For the reasons set out above, the appeal scheme complies with the development plan. The appeal should thus be allowed and planning permission granted. Subject to the conditions set out.

John Morrison

INSPECTOR