



Appeal Decision

Site visit made on 22 November 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2023

Appeal Ref: APP/N4720/D/22/3305955

115 Wensley Drive, Chapel Allerton, Leeds LS7 2LU

- 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 Michaela Bartlett against the decision of Leeds City Council.
 - The application Ref 22/02688/FU, dated 11 April 2022, was refused by notice dated 4 August 2022.
 - The development proposed is a wrap around ground floor extension, flat roof.
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Decision

1. The appeal is allowed, and planning permission is granted for a wrap around ground floor extension, flat roof at 115 Wensley Drive, Chapel Allerton, Leeds LS7 2LU in accordance with the terms of the application, Ref 22/02688/FU, dated 11 April 2022, 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: 001 (dated 01.04.2022); 002 (dated 06.07.2022); 003 (dated 06.07.2022); 004 (dated 06.07.2022)
 - 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.

Applications for costs

2. An application for an award of costs was made by Mrs Michaela Bartlett against Leeds City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 117 Wensley Drive with specific regard to outlook.

Reasons

4. Leeds Core Strategy (LCS) Policy P10 and saved Leeds Unitary Development Plan (UDP) Policy GP5 seek to ensure that new development delivers high quality design. The Council's '*Householder Design Guide*' Supplementary Planning Document (HDG) (2012) states that all development proposals should protect the amenity of neighbours. Proposals resulting in, amongst other things, overdominance will, it goes on to state at policy HDG2, be strongly resisted.

5. The proposed extension in this instance would have a rearward protection in the region of 5 metres. An existing pitched roof, single storey extension at the rear of the appeal property, which the proposal would replace, currently extends in the region of 3 metres.
6. The supporting text to HDG Policy HDG2 states that as a general rule of thumb single storey extensions can project 3.0m on a common boundary. It is clear therefore that the proposed extension would exceed this 'general rule of thumb' set out in the HDG.
7. However, it is important to note that neither the existing extension, nor the proposed extension are, or would be, sited on the common boundary. Indeed, the proposed extension's flank would be staggered along its length adjacent to the neighbouring property at 117 Wensley Road and would be inset from the common boundary between 0.5m and 1.3m.
8. Whilst I accept that the extension would be positioned due south of the neighbouring property at No. 117, it would be of a lower overall height than the existing extension. The rear aspect of these properties is broadly southwest facing. With the generous rear garden dimensions of surrounding properties, occupiers of No. 117 would still enjoy a pleasant and largely open aspect to the rear.
9. There may therefore be a technical breach of the HDG's 'general rule of thumb' regarding the proposed extension's overall projection. However, the advice set out in the HDG is not to prohibit extensions greater than 3m in projection, but rather to recognise the effect that larger extensions may have upon the amenities of neighbours. The appellant has sought to design a form of extension in this instance which would be inset from the boundary, increasingly so in respect of its projection between 3m and 5m and would incorporate a flat roof design.
10. I accept too that what is proposed would be a large extension, but I am satisfied that it would not be an over-dominant feature or harmfully overbearing upon the rear, and rear garden of the neighbouring property. There would not, I conclude, be a harmful effect on the living conditions of occupiers of the neighbouring property and, as a consequence, no breach of LCS Policy P10 or UDP Policy GP5. Despite a technical breach of the guidance set out in the supporting text to the HDG there would be no breach of HDG policy HDG2 as the amenities of neighbours would be adequately protected by the proposed development. The proposal would also not conflict with advice in the National Planning Policy Framework with regard to the protection of amenity.
11. Whilst the content of e-mails between the appellant and the Council during the course of the application's determination are noted, particularly references to stepped insets, these do not appear to form any part of the Council's case as set out in the officer report and refusal reason. Nor has the Council relied upon application of the 45° code as set out in the HDG in their appeal submission, both of which the appellant draws on in support of the proposal.

Conditions

12. I have considered the Council's suggested conditions in light of the advice set out in the Framework and Planning Practice Guidance. I agree that time limit

and plans conditions are necessary and reasonable in order to provide certainty and in the interests of good planning. A materials condition is also necessary in the interests of character and appearance. The Council's officer report suggests that the WC window in the south elevation of the proposed extension should be conditioned to be glazed with obscured glass. As the window would serve a small WC only, I do not consider a such a condition to be necessary.

Conclusion

13. For the reasons given, having had regard to the development plan as a whole and all other matters raised, I conclude that the appeal should succeed subject to the conditions set out above.

KL Robbie

INSPECTOR