



Appeal Decision

Site visit made on 14 February 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/N4720/D/22/3311120

38C Heathfield, Adel, Leeds, West Yorkshire, LS16 7AB

- 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 Steven Lomas against the decision of Leeds City Council.
 - The application Ref 22/03986/FU, dated 31 May 2022, was refused by notice dated 7 October 2022.
 - The development proposed is described as single-storey rear extension, including small balcony area & decking area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the development would achieve adequate living conditions for its users, with particular regard to outlook.

Reasons

3. The appeal site comprises a two-storey detached dwelling. The proposed single-storey rear extension would include a new ensuite bedroom. As a result of amendments made during the course of the application, the sole source of light and outlook to the new bedroom would be via a single rooflight within the flat roof of the extension.
4. I appreciate that a bedroom is principally a room for sleep, but it can also usefully serve as a private room during the day for study, home working, quiet relaxation, and children's play. Whilst the rooflight may provide an adequate source of natural light, its position high within the ceiling would not provide suitable levels of outlook for these functions, resulting in unacceptably oppressive conditions for any users/occupiers of this room. Increasing the size of the rooflight would not make the development acceptable.
5. The appellant suggests that the bedroom would only be used occasionally by visiting family members. However, the use of the bedroom in this manner is not something that could be guaranteed, or otherwise secured through the use of planning conditions. I am also mindful that personal circumstances and the occupiers of the property can change over time.
6. I recognise that site constraints may pose challenges to achieving a suitable alternative means of outlook to the bedroom under the current layout, but this does not justify provision of substandard living accommodation.

7. In conclusion, due to substandard levels of outlook from the proposed bedroom, I find that the development would not achieve adequate living conditions for its users. The proposal therefore conflicts with Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006), in so far as the policy is generally concerned with 'amenity'. It would also be contrary to paragraph 130 of the National Planning Policy Framework, which requires all developments to function well over their lifetime, and to secure high standards of amenity for existing and future users.
8. The Council also refers to Policy HDG2 of its Householder Design Guide Supplementary Planning Document (2012). However, this policy is concerned with protecting the amenity of neighbouring occupiers, so it is not relevant to this main issue and I find no conflict with it.

Other Matters

9. The Council did not raise any concerns in relation to design and appearance, or the effect on neighbouring occupiers. I have no reason to take a different view. However, the absence of harm in these regards is a neutral matter and does not outweigh the harm I have identified and the conflict with the development plan taken as a whole.
10. I have noted the appellant's comments in respect of Building Regulations compliance, but this is a separate legislative requirement which does not affect my assessment of the planning merits of the proposal.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR