



Appeal Decision

Site visit made on 7 March 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/N4720/D/22/3312149

Black Jack, 21 Miles Hill Crescent, Leeds, West Yorkshire LS7 2EU

- 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 Gwen Hall against the decision of Leeds City Council.
 - The application Ref 22/02541/FU, dated 4 May 2022, was refused by notice dated 6 October 2022.
 - The development proposed was originally described as a single storey to rear of house to extend kitchen 4.6 ins deep by 6 ft wide slanting roof. Louvre doors.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to rear at Black Jack, 21 Miles Hill Crescent, Leeds, West Yorkshire LS7 2EU in accordance with the terms of the application, Ref 22/02541/FU, dated 4 May 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: Site Location Plan and Elevations and Floor Plan Drawing.

Preliminary Matter

2. The description of development taken from the application form contains reference to dimensions that do not match those on the submitted plans. A simplified version of this description appeared on the decision notice, which described the development as being a single storey extension to the rear. Given that this is a more accurate description of what is proposed I have used that description in the formal decision, in the interests of providing clarity.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 23 Miles Hill Crescent with particular reference to outlook.

Reasons

4. The appeal dwelling is a semi-detached property located within a residential area. The adjoining dwelling, No 23, has a curved and angled bay window at ground floor level immediately adjacent to the common shared boundary. However, there is also a high hedge that runs along this boundary and which is within the garden of No 23. The presence of this hedge has a similar impact on

both the outlook from the nearest ground floor window and from the part of the garden nearest to No 23 as the appeal proposal would. Furthermore, its retention would screen the proposed development. In this context, there would be no undue harm to the living conditions of the occupiers of No 23 from the appeal development.

5. I acknowledge that the hedge may not always remain in place, or it may be reduced in height. However, I have no indication of an intention to do this, and the hedge is on the side of the neighbouring property. But even if the hedge were to be lost in its entirety, the impact from the appeal proposal on the window and rear garden of the adjoining dwelling would not be materially different than at the current time.
6. I also note that the text accompanying Policy HDG2 of the Household Design Guide 2012 (HDG) sets out a rule of thumb projection of 3 metres for rear extensions. However, I have found that in the specific circumstances of the appeal case, a projection of 4.5 metres would not cause harm. The proposal does not therefore run contrary to the objectives of Policy HDG2.
7. For these reasons, I conclude that the proposed development would not cause harm to the living conditions of the occupiers of No 23 with regard to a loss of outlook. Consequently, the proposal accords with Policy P10 of the Leeds Core Strategy 2019 and Saved Policy GP5 of the Unitary Development Plan 2004 where they seek to protect living conditions. There would also be no conflict with the aims of the HDG and the National Planning Policy Framework in the same regard.

Conditions

8. Conditions are required with regard to the time period to commence development and the approved plans, to provide certainty. As the materials to be used are specified on the plans to match the existing it is not necessary to impose a separate condition relating to this.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR