



Appeal Decision

Site visit made on 4 July 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/N4720/D/23/3318329

13 Tyersal Terrace, Tyersal, Bradford BD4 8HR

- 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 Miss Lyndsay Maystone against the decision of Leeds City Council.
 - The application Ref 22/03607/FU, dated 19 May 2022, was refused by notice dated 19 December 2022.
 - The development proposed is rear extension 3.5m in length.
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Decision

1. The appeal is allowed and planning permission is granted for rear extension 3.5m in length at 13 Tyersal Terrace, Tyersal, Bradford BD4 8HR in accordance with the terms of the application, Ref 22/03607/FU, dated 19 May 2022, subject to the following condition:
 - 1) The development hereby permitted shall be in accordance with the following approved plans: Location Plan, Block Plan and Dwg No. 9709/01 Existing Plans/Elevations.

Preliminary Matters

2. The development proposed has already been carried out. I have therefore dealt with the appeal scheme as seeking retrospective planning permission.

Main Issue

3. The main issue is the effect of the development on the living conditions of the neighbouring occupiers of 11 Tyersal Terrace, with particular regard to outlook.

Reasons

4. The appeal property is a two storey, mid terraced dwelling on the south side of Tyersal Terrace. It is set back from the road with an area of hardstanding to the front and a long rear garden. The proposed extension projects 3.5m from the rear wall of the appeal property with a width of 5.2m, an eaves height of 3.2m and a maximum height of 4.2m. It extends up to the boundaries with the neighbouring properties on either side, Nos 11 and 15 Tyersal Terrace.
5. No 11 is situated to the west of the appeal site. It includes a rear patio which is partly enclosed by a low wall and hedge with a long rear garden beyond. The rear garden level of No 11 is a little lower than that of the appeal site. Given that the proposed extension is situated to the east of No 11, the proposal does not result in any significant loss of daylight or sunlight to the neighbouring occupier's rear windows or garden.

6. There is a degree of change in that the extension has some enclosing effect to one side of the rear patio of No 11. However, given the limited rear projection of 3.5m, the extension does not have a significantly detrimental effect on the neighbour's outlook from their rear windows or patio, which continue to enjoy a comparatively open aspect to the south. The neighbour's rear garden is of significant depth and is generally open and not significantly enclosed. The amenity value of the neighbour's remaining garden area beyond the patio is unaffected by the development. Therefore, the proposal does not result in an overly dominant effect or the creation of an unreasonable sense of enclosure or loss of outlook for the occupiers of No 11.
7. The depth of the extension does not strictly accord with Policy HDG2 of the Council's Householder Design Guide Supplementary Planning Document 2012 (the SPD), which advises that as a general rule of thumb single storey extensions can project 3m on a common boundary. However, lack of conformity with the provisions of SPDs is not the same as conflict with policies of a development plan. Indeed, the SPD in this case is presented as guidance. With this in mind, and for the above reasons, I consider that the proposal does not result in an overbearing effect on the neighbour's outlook.
8. No 15 includes a single storey rear extension which projects a similar distance from the rear of that property as the appeal proposal. The Council has raised no concerns in relation to the effect of the proposal on No 15. Given that the extension does not extend significantly beyond this neighbour's rear extension, I see no reason to disagree with that assessment.
9. I conclude that the appeal scheme does not cause significant harm to the living conditions of the neighbouring occupiers of 11 Tyersal Terrace with regard to outlook. It is not contrary to Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) September 2019, which seeks to ensure that development protects residential amenity. It accords with saved Policy GP5 of the Leeds City Council Unitary Development Plan (review 2006) which seeks to ensure that development avoids loss of amenity, amongst other matters. It also accords with the National Planning Policy Framework, which seeks to protect residential amenity.

Conditions

10. As the development has already taken place, conditions relating to the standard implementation period and matching materials are unnecessary. I have however, for clarity and enforceability, set out the approved plans. No further conditions are necessary.

Conclusion

11. For the above reasons, and subject to the condition specified, the appeal should be allowed.

M Ollerenshaw

INSPECTOR