



Appeal Decision

Site visit made on 19 September 2023

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2023

Appeal Ref: APP/N4720/D/23/3326073

17 Millbeck Green, Collingham, Wetherby, Leeds LS22 5AJ

- 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 Dobson against the decision of Leeds City Council.
 - The application Ref 23/02400/FU, dated 18 April 2023, was refused by notice dated 14 July 2023.
 - The development proposed is demolition of existing attached garage to side/rear, erection of two-storey side extension to form integral garage with bedroom above; single-storey rear extension to kitchen/dining space.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing attached garage to side/rear, erection of two-storey side extension to form integral garage with bedroom above; single-storey rear extension to kitchen/dining space, at 17 Millbeck Green, Wetherby, Leeds LS22 5AJ in accordance with the terms of the application Ref 23/02400/FU, dated 18 April 2023, 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: ANDO-2023-007-01 P01; ANDO-2023-007-12 P02; ANDO-2023-007-13 P02; ANDO-2023-007-14 P02; ANDO-2023-007-15 P02.
 - 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.

Preliminary Matter

2. The Council made its decision on the basis of amended plans. I have determined the appeal on the same basis.

Main Issue

3. The main issue in this appeal is the effect of the two-storey side extension on the living conditions of the occupiers of 15 Millbeck Green (No 15) with particular regards to outlook and light.

Reasons

4. The appeal property is a two-storey detached house with an attached flat-roof double garage at the side. The garage extends up to the common boundary

with No 15 and beyond the rear wall of the house, with a tall hedge forming the remainder of this boundary. No 15 has its own garage at the side.

5. The proposal includes the replacement of the existing garage with a two-storey side extension. According to the drawings, the side extension would project approximately 1.52 metres beyond the rear elevation of No 15. Nevertheless, it would be set in from the common boundary by almost 1 metre, with the rear windows of No 15 being a further 5 metres off the boundary. On the evidence before me, this relationship would comfortably comply with the '45 degree code' set out in the Council's Householder Design Guide Supplementary Planning Document 2012 (the SPD). I am also mindful of the physical presence of the existing garage, which although lower in height, is closer to No 15 and extends much deeper along the garden boundary. Overall, I am satisfied that the side extension would not be unduly prominent or overbearing in the rear outlook and garden of No 15.
6. Furthermore, the rear windows and garden of No 15 are south facing and therefore benefit from good levels of light for most of the day. It is only until late afternoon/evening when some shadowing is likely to occur from the appeal property as existing. The side extension would be set down below the existing roof and flush with the rear walls, as well as being sited away from the boundary. From the appellant's shadow study, it would appear that any additional overshadowing from the extension would be minimal. Consequently, and in the absence of any substantive evidence to the contrary, I am satisfied that the side extension would not cause unreasonable overshadowing and loss of light to No 15.
7. For all these reasons, I conclude that the two-storey side extension would not harm the living conditions of the occupiers of 15 Millbeck Green with particular regards to outlook and light. Thus, the proposal complies with Policy P10 of the Leeds City Council Core Strategy (amended 2019); Saved Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006); and Policy HDG2 of the SPD, which together seek to protect the living conditions of neighbours. It also complies with paragraph 130 f) of the national Planning Policy Framework which seeks a high standard of amenity for existing and future users.

Conditions

8. As suggested by the Council, I have imposed the standard commencement and approved plans conditions for certainty. A condition requiring the external materials to match the existing building is necessary to ensure a satisfactory appearance of the development. However, a condition restricting first floor windows in the side of the two-storey extension is not necessary as permitted development rights already offer sufficient privacy safeguards in this respect.

Conclusion

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

A Caines

INSPECTOR