



Appeal Decision

Site visit made on 24 October 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/N4720/D/23/3327312

6 Bridge Close, Boston Spa, Wetherby, Leeds LS23 6HE

- 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 and Mrs D Heseltine against the decision of Leeds City Council.
 - The application Ref 23/02028/FU, dated 29 March 2023, was refused by notice dated 22 June 2023.
 - The development proposed is two storey side extension, single storey rear extension, front bay window and detached garage with garden store following demolition of existing single storey side extension, canopy, garage and conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension, single storey rear extension, front bay window and detached garage with garden store following demolition of existing single storey side extension, canopy, garage and conservatory at 6 Bridge Close, Boston Spa, Wetherby, Leeds LS23 6HE in accordance with the terms of the application, Ref 23/02028/FU, dated 29 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Drawings WG1285 01 and Proposed Drawings WG1285 02 C.
 - 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.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of Dovecote Cottage, with regard to privacy.

Reasons

3. The property known as Dovecote Cottage lies to the rear of the appeal site. There is a significant step down from the garden of the appeal property towards Dovecote Cottage, to the extent that the eaves height of Dovecote Cottage is at a similar level to the appeal property garden. There are three rooflights located on the roof slope of Dovecote Cottage facing the appeal property.

4. The proposed side extension would extend towards Dovecote Cottage and introduce an unobscured window at first floor level on the rear elevation. However, despite the appeal property being in an elevated position, it is unlikely that any views into Dovecote Cottage would be so significant as to result in a loss of privacy to the occupiers that would affect their quality of life. In coming to this conclusion, I have taken account of the size and angle of the rooflights which would limit any direct views into the neighbouring property from the proposed window. Even if the rooflights were open, given their location on the roof slope at a considerable height above floor level, any views in from the appeal scheme would not unduly erode the privacy of the neighbouring occupiers.
5. I observed limited inter-visibility between the existing windows at the appeal property and the rooflights and did not observe existing direct views from the appeal property into Dovecote Cottage. As such, and given my findings above, there would not be an unacceptable cumulative increase in overlooking for the occupiers of Dovecote Cottage. I note that the architectural detail of the proposed window has been designed to reduce the views out of the appeal property. However, even if the occupier was standing closer to the window and the field of view would be wider than that shown on the Amenity Appraisal Plan, this would not result in a significant loss of privacy for the occupiers of Dovecote Cottage for the reasons given above.
6. Accordingly, the proposal would not cause harm to the living conditions of the occupiers of Dovecote Cottage, with regard to privacy, and so accords with Policy P10 of the Core Strategy (Review 2019) and Policy GP5 of the Leeds Unitary Development Plan (Review 2006) (UDP). These policies, amongst other things, require development to avoid a loss of amenity, protecting privacy through high quality design. The proposed development would also be in line with the guidance set out in the Householder Design Guide Supplementary Planning Document (2012) at Policy HDG2 which advises that development proposals should protect the amenity of neighbours.

Other Matters

7. The appeal site falls within the Boston Spa Conservation Area (BSCA). The significance of the conservation area, insofar as is relevant to this case, is primarily derived from its historic fabric and the associated architectural detailing of the buildings within it. Visible from key views adjacent to the riverside the appeal site makes a positive contribution to the significance of the BSCA. Having considered the proposal and visited the site, the appeal scheme would preserve the character and appearance of the conservation area and would not harm its significance as a whole.
8. The appeal site also falls within the setting of two nearby grade II listed buildings known as Thorpe Arch Bridge and Dovecote, whose significance includes the period architecture and associated appearance. From my observations, the proposed development would preserve the special architectural and historic interest of the listed buildings and their settings.

Conditions

9. In addition to the standard condition that limits the commencement of the planning permission it is necessary to impose a condition identifying the

approved plans for clarity. A condition relating to materials is necessary to protect the character and appearance of the area.

Conclusion

10. For the reasons given above, I conclude that the proposal accords with the development plan read as a whole. Material considerations have not been shown to carry sufficient weight as to indicate a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

F Harrison

INSPECTOR