



Appeal Decision

Site visit made on 7 November 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/N4720/D/23/3325838

3 Ings View, Methley, Leeds LS26 9JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Rob Harding against the decision of Leeds City Council.
 - The application Ref 23/01370/FU, dated 2 March 2023, was refused by notice dated 9 May 2023.
 - The development proposed is described as, *'first floor extension to side over existing garage and utility to create one master bedroom'*.
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Decision

1. The appeal is allowed and planning permission is granted for development described as, *'first floor extension to side over existing garage and utility to create one master bedroom'* at 3 Ings View, Methley, Leeds LS26 9JZ in accordance with the terms of the application, Ref 23/01370/FU, dated 2 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No. SLP; Existing and Proposed Site Plan (1:200); Proposed Elevations (1:100); First Floor Plan (1:50).
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Orders revoking and re-enacting that Order with or without modification) planning permission shall be obtained before any windows are inserted in the side elevation of the proposed first floor side extension.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the living conditions of existing occupiers of No 46 Lower Mickletown (No 46) with particular regard to outlook; and
 - The effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

Living conditions

3. The appeal property is a detached two storey dwelling with an attached single storey garage/utility to its northern side which extends the full width of the side elevation. The property sits to the direct south of No 46 at a slightly higher level and whilst fronting onto the cul-de-sac of Ings View, its side elevation faces No 46 albeit that it is set back from the boundary by a side passage. Consequently, the rear elevation of No 46 provides direct outlook onto the side elevation of the appeal property and there are windows located within the rear elevation of this property at both ground and first floor level. The rear amenity space serving No 46 separates the two properties along with a tall fence and shed to the boundary.
4. As referred to above, the appeal property already benefits from a single storey garage/utility to its side elevation and this element is visible from No 46 including from their associated rear amenity area. The proposed development seeks to construct a first-floor extension above this element of the property. Whilst the proposed extension would be taller than the existing garage/utility, it would not bring the side elevation any closer to the rear elevation or garden area serving No 46 and would sit at a lower level than the existing ridge of the main property. It would also comprise a hip roof form which would fall away from the common boundary which ultimately reduces its overall bulk and dominance on the building.
5. The extension would be visible from No 46 including when utilising their rear amenity space. However, its overall height which is subordinate to the main property and hip roof form ensures that the proposed development would not represent a visually overbearing feature for the existing occupiers of No 46 particularly when taking into account the existing full width single storey element which sits close to the boundary of the neighbouring property. Moreover, the tall fence that currently exists and shed along the boundary would continue to screen a proportion of the extension and overall, I am content that outlook would not be so severely restricted from the rear elevation and amenity area of No 46.
6. I appreciate that due to the separation distance that exists between properties, the proposed development would be a breach against the guidelines set out within the Leeds City Council Householder Design Guide Supplementary Planning Document, 2012 (SPD). However, the overall distance between properties would not change as a result of the proposal. Notwithstanding, the proposed development for the reasons set out above would not conflict with the overall principle of the guidelines which amongst other matters, requires proposals to allow sufficient outlook and to prevent unreasonable overdominance.
7. My attention has been drawn to a previous appeal at the site¹ for a part first floor extension over garage; and part two storey side extension. Whilst the previous Inspector concluded that the development would unacceptably harm the living conditions of the residents of No 46 with regard to outlook, that scheme was different to the appeal before me with the main difference being a fully gabled roof, tying into the main ridge, as opposed to the hip proposed

¹ APP/N4720/D/17/3169994

under the scheme subject to this appeal. Such revisions have sufficiently overcome the impact of the extension and previous concerns raised.

8. Additionally, and whilst not determinative, there is an existing window at first floor level located within the existing two storey side elevation of the appeal property which faces No 46 and its amenity area. This would be removed to facilitate the works which would improve overall levels of privacy at the site.
9. For the above reasons, I conclude that the proposed development would not have an unacceptable impact on the living conditions of existing occupiers of No 46 with particular regard to outlook. It would therefore accord with Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review, 2019) (CS), Policies GP5 and BD5 of the Leeds Unitary Development Plan Review, 2006 (UDP) and Policy HDG2 of the SPD which together, amongst other matters, explains that proposals should seek to avoid problems of loss of amenity. For the same reasons, the proposed development would also comply with the aspirations of the National Planning Policy Framework (the Framework) which ensures that development creates a high standard of amenity for existing and future users.

Character and appearance

10. The appeal property is located at the far end of a small residential cul-de-sac which is set back from the street behind an open front garden/drive. The property has a gable, concrete tiled roof, and a small gable over a front first floor window. The surrounding properties vary in terms of their size and scale as well as roof design and both gable and hip roof forms are present on other nearby properties.
11. The proposed development would introduce a hipped roof to the side elevation but would have a transverse front gable mirroring the small gable feature that is found above the existing first floor window on the front elevation albeit that it would be slightly larger. Whilst I acknowledge that properties generally display a consistent roof design, with both sides being either hipped or gabled, this is not always the case and the overall arrangement proposed would not be so contrasting and contrived in shape, form, and appearance as to have an unacceptable adverse impact upon the host property and wider street scene. To this end, it would still appear as a subordinate feature as would the proposed front gable detail which whilst slightly larger than the existing feature, it is not of a size or scale to be overly dominant or draw attention.
12. Additionally, the location of the property at the far end of the cul-de-sac and its set back position means that its northern side elevation is almost tucked away from view and the positioning of a mature tree located to the front of the property which is understood to be part of a group Tree Preservation Order would help screen the development from views on approaching the site along Ings View. Views of the hip roof form would largely only be apparent from the rear of properties No 46 and 48 Lower Mickletown to the direct north. As a result, the development would have a limited effect on the street scene and, in any event, would not appear discordant given the presence of other varied roof forms nearby some of which include a hip feature and are more visible within the street scene. It would not therefore be particularly prominent or dominate the overall appearance of the area nor be uncomfortable within its context.

13. For the above reasons, I find that the development would not unacceptably affect the character and appearance of the host building and surrounding area. It would therefore accord with Policy P10 of the CS, Policy GP5 of the UDP and Policy HDG1 of the SPD which together, amongst other matters, requires all extensions, additions and alterations to respect the scale, form, proportions, character and appearance of the main dwelling and the locality. For the same reasons, the proposed development would also accord with chapter 12 of the Framework relating to achieving well-designed places.

Other Matters

14. I note the third-party comments relating to construction activity and potential for driveways to be blocked. However, given the small-scale nature of the development and location of the appeal site, it is highly unlikely that any impact would be significant or that it would result in any blocked driveways.
15. Reference has been made to No. 48 Lower Mickletown although this property was not referred to in the Councils' reasons for refusal. Notwithstanding, this property sits to the northeast of the appeal site where views of the appeal site are at an angle and as such, outlook would largely be retained which is in a direction away from the appeal site. This, together with the above reasons, would ensure that existing occupiers of No 48 would not be unduly affected in relation to outlook.

Conditions

16. I have considered the conditions suggested by the Council including the standard time for commencement of development which I have applied. I also agree that a plans condition is necessary in the interests of certainty. A condition relating to materials is also required in the interests of the satisfactory appearance of the development. I have also attached a condition relating to the insertion of windows in the side elevation of the proposed first floor side extension which I find necessary in this case to protect the amenity of neighbouring properties in relation to privacy.

Conclusion

17. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed, and planning permission is given subject to the attached conditions.

N Teasdale

INSPECTOR