



Appeal Decision

Site visit made on 3 January 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

Appeal Ref: APP/N4720/D/23/3332049

20 Amberton Approach, Gipton, Leeds LS8 3JT

- 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 M Habibi against the decision of Leeds City Council.
 - The application Ref 23/03585/FU, dated 12 June 2023, was refused by notice dated 4 August 2023.
 - The development proposed is retrospective application for as-built outbuilding, rear extension and dormer.
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Decision

1. The appeal is allowed and planning permission is granted for as-built outbuilding, rear extension and dormer at 20 Amberton Approach, Gipton, Leeds LS8 3JT in accordance with the terms of the application, Ref 23/03585/FU, dated 12 June 2023.

Preliminary Matters

2. The development has been carried out on site in accordance with the submitted plans. I have considered the appeal scheme accordingly. I have omitted reference to the retrospective nature of the proposal in the decision above since this is not an act of development.
3. The Council has only raised objections with regard to the single storey rear extension and dormer, and not to the outbuilding. I agree with this approach and I have, therefore, limited my assessment to the planning merits, or otherwise, of the single storey rear extension and dormer.
4. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions from the main parties on the revised Framework.

Main Issues

5. The main issues are:
 - the effect of the development on the character and appearance of the host property and the surrounding area, and
 - the effect of the development on the living conditions of the neighbouring occupiers of 18 Amberton Approach, with particular regard to outlook.

Reasons

Character and appearance

6. The appeal property is a two storey semi-detached dwelling located on the northern side of Amberton Approach in a residential area. There is a paved area to the front of the property behind a wall. The rear garden is also paved and rises from the rear of the dwelling to a higher level which is now partly occupied by the proposed outbuilding. The property is situated in a row of similar two storey properties which are set well back from the road with a green open space to the front. On this side of Amberton Approach there is a sense of uniformity and rhythm partly due to the similar widths of properties, the even spaces between them and consistent building lines. Neighbouring properties generally have hipped roofs, though the roof of the appeal property has been extended to the side to form a gable end.
7. The rear dormer extension is larger than that previously approved by the Council¹, particularly in relation to its width. However, it still maintains small gaps from both sides of the roof, and it is set back from the eaves and is no higher than the main ridge of the property. It is set well back from the two storey rear gable end, which continues to be the dominant element at the rear of the property, and has been constructed in dark coloured vertical hanging tiles which are sympathetic to the roof of the property. Accordingly, I consider that the dormer is reasonably proportioned, it sits comfortably on the roof and does not appear as an overly dominant addition to the property. The side of the dormer is partially visible from the front, but it is not prominent within the street scene. Moreover, the dormer does not have a markedly different impact to the scheme previously approved in my view.
8. Although the single storey rear extension is slightly larger than the approved scheme, the increased depth and width are minor, and its height remains the same as approved. It is a relatively modest addition which does not result in over-development of the property either by itself or in combination with the other extensions. The design of the roof over the rear extension has been altered to a gable rather than a hip, but this is sympathetic to the roof design of the existing two storey rear gable.
9. For the above reasons, I find that the development does not cause harm to the character and appearance of the host property or the surrounding area. Accordingly, it complies with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review (2019) (CS), saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006) (UDP), and Policy HDG1 of the Leeds City Council Householder Design Guide, Supplementary Planning Document (2012) (SPD). Amongst other things, these policies and guidance seek to ensure that development is of good design which respects the character of the original building and the surrounding area. The development also complies with the Framework, where it seeks to ensure that development is sympathetic to local character.

Living conditions

10. The appeal site is bounded by 18 Amberton Approach to the east, and by the attached neighbouring property, 22 Amberton Approach, to the west. The

¹ Council ref. 21/05090/FU

Council's concern is in relation to the effect of the single storey rear extension on the occupiers of No 18.

11. The side of No 18 is set a small distance away from the boundary with the site and there is a high boundary fence between the two properties. The rear elevation contains several ground and first floor windows. However, these are a reasonable distance away from the single storey rear extension.
12. Although the roof form of the proposed extension has been changed to a gable, it remains the same height as previously approved. The roof pitch is shallow and it slopes away from the boundary with the neighbour. The presence of the substantial boundary fence means that only the upper part of the extension is visible from the neighbour's ground floor windows, which continue to enjoy a comparatively open aspect to the south. The neighbour's rear garden is relatively large and is not significantly enclosed. Therefore, the amenity value of the neighbour's garden area is not significantly affected by the development. Notwithstanding the increased size of the single storey extension compared to the previous scheme, 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 18.
13. The Council states that the rear extension does not comply with the guidance contained in the SPD regarding the 45 degree code. However, lack of conformity with the provisions of SPDs is not the same as conflict with policies of a development plan. Indeed, the 45 degree code in this case is presented as guidance and it does not take account of all factors on site. With this in mind, and for the reasons set out above, I consider that the proposal does not result in significant harm to this neighbouring occupier.
14. The Council has raised no concerns in relation to the effect of the proposal on No 22. Given that the extension does not extend close to the boundary with this neighbouring property, I see no reason to disagree with that assessment.
15. I conclude that the single storey rear extension does not result in significant harm to the living conditions of the occupiers of 18 Amberton Approach, with particular regard to outlook. It therefore complies with Policy P10 of the CS, saved Policies GP5 and BD5 of the UDP, and with the overall objectives of Policy HDG2 of the SPD which seek, amongst other things, to protect the amenity of neighbouring residents.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed. As the development has already taken place, the standard conditions relating to implementation and the use of matching materials are unnecessary.

M Ollerenshaw

INSPECTOR