
Appeal Decision

Site visit made on 21 February 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/N4720/D/24/3336622

31 Willow Avenue, Burley, Leeds LS4 2HF

- 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 C Patel against the decision of Leeds City Council.
 - The application Ref 23/05776/FU, dated 21 September 2023, was refused by notice dated 28 November 2023.
 - The development proposed is single storey rear extension and double storey side extension
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal differs from that on the Council decision notice. That on the application form is adequate to describe the proposals and I have determined the appeal on that basis.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the area. The second is the effect of the proposal on the living conditions of the occupiers of 29 Willow Avenue (No.29) with regard to any overbearing or overshadowing impact.

Reasons

Character and Appearance

4. The proposal relates to a residential dwelling set within a corner location on Willow Avenue to the south-west of Burley Road. No.29 sits adjoined to the north-west side of the appeal property whilst the other end of the property is attached to No.33 Willow Avenue. The prominence of the extension, despite its location on the edge of Willow Avenue would be reduced by extensive roadside Trees and vegetation to this side of Burley Road.
5. The two storey side extension would not be excessive in projection from the side of the dwelling and would include a set down from the main ridgeline of the dwelling and a set back at first floor level.
6. Whilst the single storey element of the proposals would be greater in depth than the existing projecting elements at ground floor level, the projection

would not be excessive and a set off would be retained from the boundary of the dwelling with the open space to the south-east.

7. The building line along the terrace is not uniform, with No.35 Willow Avenue at the end extending further towards the open area. For these reasons the extensions proposed would not therefore form out of scale features when viewed against the host dwelling or neighbouring properties. I therefore conclude on this issue that there would be no harm to the character or appearance of the area.
8. With regard to this particular matter there would therefore be no conflict with saved policies GP5 and BD6 of the Leeds Unitary Development Plan Review (2006) (UDP) or Policy HDG1 of the SPD¹. Amongst other things, these policies and guidance require proposals of good design that respect the scale, form, detailing and materials of the original building whilst respecting the character and appearance of the locality.

Living Conditions

9. Whilst there is an absence of windows at first floor level close to the appeal site, the adjoining property at No. 29 incorporates what appears to be a single storey rear extension with windows to each side elevation. The evidence indicates the window facing towards the appeal site serves a bedroom.
10. Whilst the circumstances around how that extension came to have a habitable room window so close to the boundary with the appeal property are not fully established within the evidence, it is nonetheless in place.
11. The double storey side extension, given its height and positioning close to the boundary, would have a significant and adverse overshadowing impact on that window and would appear overbearing to the occupiers of that property. It would therefore cause significant harm to the living conditions of the occupiers of No.29.
12. The proposal would therefore conflict with Policy GP5 of the UDP which states amongst other things that proposals should seek to avoid loss of amenity. There would also be conflict with Policy HDG2 of the SPD which states that amongst other things all development proposals should protect the amenity of neighbours. It also advises that proposals which harm the existing residential amenity of neighbours through excessive overshadowing or overdominance will be strongly resisted. I have not identified conflict with Policy BD6 of the UDP with regard to this particular matter.

Other Matters

13. The harm arising to the living conditions of the occupiers of No.29 from the double storey side extension would be much more significant than would be associated with the suggested 2m high fence that the evidence indicates could be erected in the event of an unsuccessful appeal for the scheme before me. I therefore afford this matter limited weight.
14. The appellant suggests the inclusion of the standard conditions. The suggested additional condition which would require planning approval to be sought before

¹ Leeds City Council – Householder Design Guide – Supplementary Planning Document – April 2012.

windows were inserted into the north-west elevation of the extension would not mean that the harm identified above could be avoided.

Planning Balance and Conclusion

15. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan. The appeal is therefore dismissed.

T Burnham

INSPECTOR