



Appeal Decision

Site visit made on 16 May 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal Ref: APP/N4720/D/24/3337846

2 Hartington Place, Wetherby LS22 7AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Tony Dorigo against the decision of Leeds City Council.
 - The application Ref is 23/05836/FU.
 - The development proposed is a 2.7m Single storey rear extension with skylight over in material to match the existing.
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Decision

1. The appeal is allowed and planning permission is granted for a 2.7m Single storey rear extension with skylight over in material to match the existing at 2 Hartington Place, Wetherby LS22 7AG in accordance with the terms of the application, Ref 23/05836/FU, 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: Location Plan Dwg No. 300095-A-102 P1; Proposed drawings Dwg No. 300094-A-103 P2; Proposed Block Plan Dwg No. 300095-A-104 P2; Proposed Floor Plan Dwg No. 300094-A-105 P2; and Proposed Plans Dwg No. 300095-A-106 P1.
 - 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 whether satisfactory garden space would be retained and provided for existing and future occupiers.

Reasons

3. The appeal site comprises a residential property and its grounds. The Council has not raised any concerns regarding the effect of the appearance of the proposed extension on the host property or the character of the area. Nor have any concerns been raised regarding the effect on the living conditions of neighbours, and I see no reason to disagree. The main area of dispute is whether the remaining garden space at the rear would be sufficient.
4. The garden of the appeal property expands across the full width of the house as well as the attached garage. Mainly laid to grass, there is a small patio area at the rear. There are fence and wall boundaries around the site and raised

beds with mature trees. Whilst the garden is not very deep, this is off-set by the width and the site being level and private to create a functional, attractive space capable of serving the needs of the occupiers of the dwelling.

5. The Council's Neighbourhoods for Living Supplementary Planning Document adopted 2003 (the NfLSPD) recommends a minimum area of 2/3 of the total gross floor area of the dwelling for garden space. The existing garden falls short of this. However, the NfLSPD states that this is a general guide, and as such, it recognises that there may be instances where not achieving the recommended amount of garden space would be acceptable. A view the Council arrived at when it approved the original development.
6. The proposed extension would reduce the amount of garden space available to serve the host dwelling. Whilst utilising matching materials for supporting corner columns, the proposed development would have a substantial amount of glazing, to all three sides. It would also incorporate a roof lantern above it. The lightweight approach and openable doors would allow existing and future occupiers to utilise the garden space just as easily as the current situation whilst providing additional living accommodation downstairs.
7. Although the existing garden is relatively small, it is level and private. The introduction of the extension would not make it particularly awkwardly shaped, and there would still be full width areas towards the rear of the site. Even after the extension, an outdoor area for sitting out, drying clothes, external storage of domestic items and limited play would still exist. During my site visit I observed it was within a short distance to the local Sandringham Park, which could be safely accessed, providing large areas of public open space where more extensive play activities could reasonably take place.
8. The development would result in living accommodation being closer to the trees and the boundary at the rear of the site, which are in the appellant's ownership. Whilst the distance of the extension does not fulfil the recommended distance identified within the Council Householder Design Guide Supplementary Planning Document adopted 2012 (the HDGSPD), this similarly advises that these distances are a guide only and should not be taken as a hard and fast rule.
9. I was able to view the rear boundary of the site within the property, and although the distance is not in line with suggested standards, the provision of the roof lantern light, alongside the large glazed windows would allow light through the extension into the living accommodation. I have no substantive evidence that the amount of sunlight or daylight within the property or garden would therefore be substantially reduced. Nor am I of the opinion that the outlook would be significantly different or feel more enclosed compared to the current situation that already exists.
10. I have taken into account that the Council considers the small front garden area should be excluded from the mathematical calculations of garden space. However, in the context of the overall design and characteristics of the extension, the reduction in the ratio of garden to accommodation space, and quality of the garden environment would not be significantly eroded and therefore different compared to the current situation. I therefore conclude that satisfactory garden space would be retained and provided for existing and future occupiers.

11. The proposal would accord with policies P10 of the Leeds Core Strategy (as amended 2019) and saved policy GP5 of the Leeds Unitary Development Plan Review (2006). Together and insofar as they are relevant to this matter, these seek to ensure development is appropriate to its location and function and ensure no loss of amenity. It would also comply with the paragraph 135 of the Framework where it seeks to ensure development has a high standard of amenity for existing and future users.
12. Whilst I note conflict with aspects of guidance contained within both of the supplementary planning documents, overall the proposal would accord with the HDGSPD which also sets out that extensions should leave sufficient usable private garden space for the enjoyment of residents, particularly dwellings of three bedrooms or more for better enjoyment of families. It would also fulfil a key objective of the NfLSPD to provide well design private and semi-private space for all dwellings appropriate to the character of the area.

Conditions

13. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty, and a condition in relation to materials is reasonable in order to protect the character and appearance of the area.

Conclusion

14. For the reasons outlined above, I conclude that the appeal is allowed.

K Williams

INSPECTOR