

Appeal Decision

Site visit made on 24 July 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/N4720/D/24/3345377

93 Hollyshaw Lane, Whitkirk, Leeds LS15 7BA

- 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 Haaris Stockdale against the decision of Leeds City Council.
 - The application Ref 24/00448/FU, dated 23 January 2024, was refused by notice dated 20 March 2024.
 - The development proposed is proposed extensions & major alterations & altered access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has included a much more detailed description of the proposals on their decision notice. Whilst I have had regard to this in assessing the appeal proposals the original description of the proposal, whilst broad, is not inaccurate.

Main Issues

3. The first main issue is the effect of the proposal on the living conditions of the occupiers of nearby residential property with regard to the inclusion of a bedroom window within one of the proposed rear dormers. The second main issue is the effect of the proposal on the living conditions of the occupiers of nearby residential property with regard to the two storey side extension and single storey rear extension and any potential dominance to the gardens and living areas of nearby dwellings. The third main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is set within a residential area on the eastern side of Leeds. Hollyshaw Crescent branches off Hollyshaw Lane to the north of the site. The modestly sized gardens of properties on Hollyshaw Crescent sit to the rear of the appeal site which is at a higher level given that Hollyshaw Lane slopes upwards to the south.

Living conditions – bedroom window

5. The setting of the property higher than those to the rear of the appeal site and the limited depth of the rear garden would result in the rear bedroom window within the rear dormer providing future occupiers with a reasonably direct view from a height into the rear gardens of properties on Hollyshaw Crescent.
6. Whilst there are other windows on other properties from which those gardens are visible, those windows are generally set at a greater distance and it is generally the case that viewing angles from other windows are not so direct. Therefore, any existing overlooking is not likely to be as noticeable or intrusive as it would be from the bedroom window that is proposed within the rear dormer.
7. The resulting overlooking from the bedroom window would cause substantial harm to the living conditions of occupiers on Hollyshaw Crescent close to the appeal site.
8. The proposal would therefore with regard to this particular matter conflict with Policy P10 of the Leeds Core Strategy (2019) (CS), saved Policy GP5 of the Leeds Unitary Development Plan Review (2006) (UDP) and Policy HDG2 of the SPD¹.
9. Amongst other things these policies require that proposals should seek to avoid problems of loss of amenity. Development is required to protect the residential amenity of the area.
10. The SPD at HDG2 states amongst other things that proposals which harm the existing residential amenity of neighbours through excessive overlooking will be strongly resisted. The proposal would also fail to accord with the guide separation distance of 7.5m between secondary windows and boundaries as outlined within the SPD which further indicates that with sloping sites, greater distances are likely to be required.

Living conditions – two storey side extension and single storey rear extension

11. The two storey side extension would not be an especially bulky feature and would include a pitched roof and dormer window which would be set in from the side of the building. This element would have its ridgeline set down from that on the main part of the property. Whilst tall for a single storey element, the single storey rear extension would largely be set behind existing boundary treatment and the presence of some built development in views from the rear gardens would be acceptable.
12. Therefore, despite the height differential with properties adjacent to the appeal site, neither of these elements would over dominate the gardens and living areas of the nearby dwellings. They would not unacceptably harm the living conditions of nearby occupiers.
13. With regard to this particular matter there would therefore be no conflict with Policy P10 of the CS, saved Policy GP5 of the UDP or Policy HDG2 of the SPD. Amongst other things these policies and guidance require that proposals should seek to avoid problems of loss of amenity. Development is required to protect the residential amenity of the area.

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

Character and appearance

14. There is nothing within the evidence to indicate that the existing dwelling at the site, which would be subject to major alterations is of particular visual or architectural merit. The character of the area in terms of materials, design and form is mixed.
15. There is a substantial stone built terrace which includes dormer style windows to the front. There is a bungalow of very modern appearance including a render finish nearby. There are also semi-detached residential properties incorporating brickwork, render and pebbledash finishes, some of which incorporate rear box style dormer windows of a substantial size.
16. Within that context, the alteration of the existing property and the inclusion of dormer structures within the development proposed along with the use of render and cladding would cause no harm to the character and appearance of the area.
17. With regard to this particular matter there would therefore be no conflict with Policy P10 of the CS, saved Policy GP5 of the UDP and Policy HDG1 of the SPD. Amongst other things, these policies and guidance require proposals of good design that are appropriate to their context and which respect the character and quality of surrounding buildings that make up the public realm and wider locality and respect the character and appearance of the locality. Alterations and extensions should respect the scale, form and detailing of the original building.

Other matters

18. There does not appear to be front boundary treatment detailed on the plans on which the Council has based its decision and I will not therefore consider this matter further.
19. The appellant has drawn my attention to the suggestion that a roof light window could be inserted into the rear roof slope under permitted development under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, even if that were the case a roof light window is not as likely to offer such direct and clear views towards the gardens within the context of this site and I therefore afford this matter limited weight.

Planning balance and conclusion

20. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T Burnham

INSPECTOR