
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: 2nd September 2024

Appeal Ref: APP/N4720/D/24/3344830

7 Torre Lane, Harehills, Leeds LS9 6JW

- 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 Navid Akbari against the decision of Leeds City Council.
 - The application Ref 24/01061/FU, dated 21 February 2024, was refused by notice dated 24 April 2024.
 - The development proposed is rear single storey extension.
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Decision

1. The appeal is allowed. Planning permission is granted for rear single storey extension at 7 Torre Lane, Harehills, Leeds LS9 6JW in accordance with the terms of the application Ref 24/01061/FU dated 21 February 2024 subject to the conditions below.

1) The development hereby permitted shall be carried out in accordance with the following approved plan: 2444-1.

2) The rear single storey extension shall be demolished to ground level and all materials resulting from the demolition removed within 90 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

i) Within 3 months of the date of this decision a scheme for the over cladding of the extension with brick slips to match existing brickwork shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation.

ii) If within 10 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this

condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matter

2. The description of development has been amended to omit wording that is not a description of development. At the time of my site visit, a single storey extension was in place at the site. That extension broadly accorded with that shown on the plans before me and had a render finish. It is proposed to clad the walls of the extension with brick slips to match existing brickwork on the dwelling.

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 residential occupiers at 9 Torre Lane (No.9). The third is the effect of the proposal on the living conditions of occupiers at the host dwelling.

Reasons

Character and appearance

4. The extension, including its chamfered side elevation, is partly visible in views from the street, most especially when passing the neighbouring properties driveway which allows views towards the side and rear of the appeal dwelling. However, the property is set back from the street and the rear extension would not form an unduly prominent or highly visible feature within the street scene if finished in materials to match the host dwelling. There would therefore be no adverse impact on the character or appearance of the area.
5. The proposal would not therefore conflict with Policy P10 of the Core Strategy Selective Review (2019) (CS) which amongst other things requires that development respects the character and quality of an area. Further, the proposal would not conflict with Policies GP5 and BD6 of the Leeds Unitary Development Plan (2006) (UDP) which amongst other things require resolution on design issues and that alterations and extensions respect the scale, form, detailing and materials of the original building. There would be no conflict with Policy HDG1 of the Design Guide¹ which states that amongst other things all extensions should respect the scale, form, proportions and character and appearance of the main dwelling and locality.

Living conditions

6. The neighbouring property at No.9 does have a window that appears to serve a habitable room on its rear elevation a short distance from the boundary with the appeal site. However, that window still retains a good outlook across its own well sized rear garden and the surrounding rear area which is fairly open due to the modest height of back garden boundary treatment.
7. Given that this is the case, there is nothing to indicate that there is any overshadowing effect that results in a significant adverse impact on the living conditions of the neighbouring occupiers. Further, there is nothing to indicate that there is any significant adverse impact on the living conditions of the occupiers of No. 9 through any overbearing impact.

¹ Leeds Householder Design Guide Supplementary Planning Document April 2012.

8. The extension covers a large proportion of the small and triangular shaped rear garden at the host property. However the dwelling has a large amount of space to the side and front, which has open access from the rear and which has a good degree of privacy from the street by reason of thick hedging of moderate height. Garden areas other than that to the rear are therefore additionally available for the usual garden uses as they benefit from a good degree of privacy.
9. To conclude on this matter, there is therefore no significant adverse impact on the living conditions of residential occupiers at No. 9 or on the occupiers at the host dwelling. The proposal does not therefore conflict with Policy P10 of the CS which amongst other things requires development to protect the residential amenity of an area. Further, the proposal does not conflict with Policy GP5 of the UDP which amongst other things requires development proposals seek to avoid problems of loss of amenity.
10. On the basis of the evidence before me, The Design Guide provides guidance on the appropriate projection of this type of extension, although these do not appear to be set rules for every situation and I have considered the specific circumstances of this case. I do not therefore identify conflict with the Design Guide in this respect.

Conditions

11. An approved plans condition is necessary to define the development. A condition relating to a time limit for commencement is not necessary given the development has commenced and neither is a condition for materials to match given that this matter is being addressed by a specific condition.
12. Condition 2 is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matter before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Planning balance and conclusion

13. I have not identified conflict with the development plan and there are no considerations, including the Framework² that indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T Burnham

INSPECTOR

² National Planning Policy Framework 2023.