



Appeal Decision

Site visits made on 29 October and 5 November 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/N4720/D/24/3349313

21 Far Reef Close, Horsforth, Leeds, LS18 5AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Paul Swinney against the decision of Leeds City Council.
 - The application Ref is 24/03149/FU.
 - The application sought planning permission for part two storey part single storey extension, including balcony to side at first floor; single storey extension to front; conversion of existing garage to habitable room without complying with a condition attached to planning permission Ref 23/07295/FU, dated 28 February 2024.
 - The condition in dispute is No 2 which states that:
The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans and Specifications above.
 - The reasons given for the condition is:
For the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission has previously been granted for a various works including a rear and side extension at the appeal property (ref 23/07295/FU). Through this appeal, the appellant is seeking to vary condition 2, which specifies the approved plans. The proposed change to the approved plans would enable an upstairs landing to be provided, to improve internal circulation within the extended property.
3. At the initial site visit, I was able to gain a good impression of the effect of the proposed development on the rear garden of the neighbouring property, 24 Lister Hill (No. 24). Following that visit, I felt it necessary to view the scheme from inside the neighbour's property, which I was able to do on my return visit on 5 November.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties on Lister Hill, with particular regard to outlook.

Reasons

5. The appeal property is a two-storey stone house, which forms the end of a terrace of three. Far Reef Close is at an elevated position on the valley side, and there is a marked difference in levels between 21 Far Reef Close (No. 21) and the pair of semi-detached houses it backs onto, at 22 and 24 Lister Hill.
6. For most of its width, the appeal property shares a rear boundary with No. 24, and it is this neighbouring property which would be most affected by the appeal proposal. Both Nos. 21 and 24 have short rear gardens, and the houses are fairly close together. Owing to the distinct level changes, the appeal property already appears as a prominent feature against the skyline when viewed from the rear windows of No. 24, rising to a considerable height above the retaining wall which forms the neighbour's rear boundary.
7. Under the approved plans, the new first floor side element would continue the line of the existing rear elevation. The proposed change to condition 2 would result in an additional rear projection of around 1m, which would extend for approximately 7m, across most of the first-floor rear elevation.
8. From the back garden of No. 24, the rear outlook is dominated by the retaining wall, which is topped for its full length by either a hedge or fencing. The existing house at No. 21 is visible above these features, and is seen against the sky. The approved extension would change the outlook from the neighbour's rear garden, by elongating the built form of No. 21 along the skyline, whilst also bringing the property closer at ground floor level.
9. Compared with the approved scheme, the additional projection now proposed would make little appreciable difference to the outlook from the rear garden of No. 24. The short garden depths of both properties, and the significant height difference between them, would mean that the approved single storey rear extension would largely obscure views of the first storey projection now proposed.
10. Of the three rooms at No. 24 which have an outlook to the rear, the most significant impact would be on the bedroom, which looks out towards the end of the appeal property. From here, the existing first floor of the appeal property is clearly visible above the retaining wall and fence, and forms a prominent feature on the skyline.
11. The approved scheme would change the outlook from the bedroom window at No. 24 by increasing the extent of built form, reducing the open aspect and view of the sky. The proposed additional projection at first floor level would bring the rear elevation of No. 21 forward by 1m. Owing to the short distance between the properties, the extended rear elevation would be noticeably closer than existing. This would further increase the dominance of the neighbouring house, over and above the existing situation and previously scheme.
12. The proposed first floor addition would not result in additional overshadowing, and would be seen in the context of the extensions already approved. It would be partially screened by the approved single storey extension, and the roof slope would further reduce the impact. Even so, the relationship between the properties is such that by extending the main rear elevation out at first floor level, the appeal property would appear even more prominent when viewed from the bedroom window, to the extent that it would be overbearing.

13. Compared to the approved scheme, the additional effect on the rear garden and other rear facing rooms would be small. However, a bedroom is a sensitive space, from where the increased dominance of the neighbouring property has the potential to be particularly intrusive, causing harm to the living conditions of the occupiers.
14. Windows in the new, rear elevation at the appeal property would look out towards the neighbouring property, but would serve an en-suite and landing, so would be unlikely to be a source of overlooking. If the proposal was otherwise acceptable, obscured glazing could be incorporated to reduce concerns about privacy.
15. The Council has also referred to 22 Lister Hill, but that house is set to the side of No. 21, and views of the proposed additional projection would be oblique. Given the relationship between the houses, I am satisfied that the effect of the proposal on 22 Lister Hill would be acceptable. However, that does not overcome the concerns in relation to No. 24.
16. Whilst I appreciate the reasons for the proposed change to the approved plans, I have found that the scheme would cause unacceptable harm to the living conditions of the occupiers of No. 24, in terms of outlook. It would fail to comply with Saved Policy GP5 of the Leeds Unitary Development Plan (Review) 2006, which requires that development proposals resolve detailed planning considerations, including loss of amenity. There would also be conflict with Policy HDG2 of the Leeds Householder Design Guide, which advises that proposals which harm the existing residential amenity of neighbours through overdominance will be strongly resisted.

Other Matters

17. The appeal property is within the Horsforth Conservation Area. The proposed rear extension would be constructed of materials to match the existing house, and the window would be in keeping with those on the host property. The development would be of an acceptable design, which would preserve the character and appearance of the Conservation Area. However, this lack of harm would not outweigh the unacceptable effect on the living conditions of neighbouring occupiers described above.

Conclusion

18. The proposed change to condition 2 would fail to comply with the development plan. I have not identified any other material considerations which would outweigh this harm, so the appeal is dismissed.
19. For the avoidance of doubt, this decision does not affect the existing permission (ref 23/07295/FU), which still stands.

R Morgan

INSPECTOR