



Appeal Decision

Site visit made on 20 November 2024

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/N4720/D/24/3354106

27 Hawkstone Avenue, Guiseley, Leeds LS20 8ES

- 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 Mr L McVeagh against the decision of Leeds City Council.
 - The application Ref is 24/04278/FU.
 - The development proposed is demolition of existing side extension, rear conservatory and rear chimney; Part two-storey and single-storey side and rear extension; Addition of window to existing first floor front; associated landscaping to rear.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing side extension, rear conservatory and rear chimney; Part two-storey and single-storey side and rear extension; Addition of window to existing first floor front; associated landscaping to rear, at 27 Hawkstone Avenue, Leeds LS20 8ES in accordance with the terms of the application Ref 24/04278/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 drawing nos: 01; 02; 03A.
 - 3) The external materials of the extensions hereby permitted shall match those used in the existing building.
 - 4) The first floor windows in the side elevation of the extension hereby permitted shall be permanently fitted with obscured glazing, and no part of the windows that are less than 1.7 metres above the floor of the room they serve shall be capable of being opened.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as it is more comprehensive than the description on the planning application form.
3. The recent revisions to the National Planning Policy Framework do not materially affect the matters which are most relevant to this appeal.

Main Issue

4. The main issue is the effect of the development on the living conditions of the neighbouring occupiers at 29 Hawkstone Avenue with regards to outlook, light, and privacy.

Reasons

5. The appeal property is one-half of a two-storey, semi-detached house with single storey side and rear extensions. The neighbouring property to the south, No 29, is a bungalow which has a garage at the end of the driveway separating the properties.
6. The proposal would replace the existing single-storey extensions with a two-storey extension that would wrap around the side and rear of the house. It would be set back from the front wall with a corresponding lower roofline, and unlike the existing side extension, would be set in from the boundary.
7. There would also be an additional single-storey rear extension and a new window at the front, but these elements of the scheme did not feature in the Council's refusal reasons, and I agree that they are acceptable. I shall therefore focus on the two-storey side/rear extension.
8. No 29 has windows at the side, but these appear to be a secondary window and an obscure glazed bathroom window, so would not be unduly impacted on by the additional height of the new side extension. The extension would project beyond the rear of No 29, but it would be separated by the width of the driveway plus the set back from the boundary. It would also have its roof sloping away from the boundary, while the lower part of the extension would be obscured by No 29's own garage. I am thus satisfied that the new extension would not unduly impede or appear visually intrusive in the outlook from No 29.
9. Furthermore, as the appeal property lies to the north of No 29 it could not possibly cause any harmful overshadowing of No 29. The first floor windows facing No 29 would not be primary windows and the appellant is agreeable for these to be obscurely glazed to prevent additional overlooking of No 29.
10. I therefore conclude that the development would not cause material harm to the living conditions of the occupants of 29 Hawkstone Avenue in relation to outlook, light, or privacy. Thus, the proposal complies with Policy P10 of the Leeds City Council Core Strategy (Selective Review 2019), saved Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006), and the Council's Householder Design Guide Supplementary Planning Document (2012), which collectively seek to protect the living conditions of neighbours.

Conditions

11. As suggested by the Council, I have imposed the standard commencement and approved plans conditions for certainty. A condition requiring the external materials to match the existing building would ensure a satisfactory appearance of the development. Finally, I have added a condition relating to obscure glazing to protect the privacy of neighbouring occupiers.

Conclusion

12. For the reasons given above, the appeal should be allowed.

A Caines

INSPECTOR