



Appeal Decision

Site visit made on 22 October 2024 by J Reed MPlan

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 7 February 2025

Appeal Ref: APP/N4720/D/24/3348292

28 Mavis Avenue, Cookridge, Leeds, LS16 7LJ

- 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 Ms B Newsome against the decision of Leeds City Council.
 - The application Ref is 24/01579/FU.
 - The development proposed is first floor side and rear extension, new roof light to front, and conversion of garage to habitable room with new window to front.
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Decision

1. The appeal is allowed, and planning permission is granted for first floor side and rear extension, new roof light to front, and conversion of garage to habitable room with new window to front to 28 Mavis Avenue, Leeds, LS16 7LJ in accordance with the terms of the application, Ref 24/01579/FU, the plans submitted with it and the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: Proposed Plans and Elevations 3031 02 Rev A, and Location Plan.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the windows for the proposed bathroom and en-suite shall be glazed with obscure glass to at least level 3 obscurity and thereafter retained as such.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the banner heading above, I have used the description of development to reflect that as provided within the Council's decision notice, in the interests of accuracy and consistency.

Main Issues

4. The main issues are:

- The effect of the proposal on the character and appearance of the host dwelling and wider area; and,
- The effect of the proposed development on the living conditions of the occupants of 28 Mavis Lane with particular regard to overlooking and a loss of privacy to the garden area.

Reasons for the Recommendation

Character and appearance

5. The appeal building is a two-storey semi detached dwelling. It is located on the residential street of Mavis Avenue and is directly adjacent to another residential street Mavis Lane, both of which consist of similarly designed and sized residential properties, several of which have been extended or altered. Properties within this residential area generally have different relationships with each other due to their plot size and orientation. However, this helps create a pleasant character and appearance to the area.
6. The proposed first floor rear extension would be visible from two public vantage points. Firstly, from Mavis Lane when approaching the junction with Mavis Avenue and secondly glancing views can be gained from the gaps between the properties on Mavis Avenue. In both cases because of the extension's recessed position to the rear and set back from the front, the proposed extension would not be an unduly prominent feature in the street scene.
7. The proposal would be visible from a number of residential properties to the rear, where it would be seen as a later addition to the main body of the dwelling. The Council consider that the proposed development would result in harm through virtue of the proposed extensions complicated roof design. Although the extension would result in the introduction of two additional roof forms, these would mirror the hipped roof design of the main dwelling. Furthermore, they would also be viewed as subservient through virtue of their scale and massing below the ridge height of the appeal dwelling. As a result, the proposed extension's roof design is not considered to be inappropriate in this instance.
8. Given the overall design, size and position of the proposed extension, I do not find there would be harm to the character and appearance of the host dwelling. The use of materials to match those of the host dwelling, that could be secured by condition, would create an acceptable visual connection with the host property.
9. There is no dispute between the parties regarding the acceptability of the proposed front rooflight or garage conversion, and I see no reason to disagree with this conclusion. I conclude that the proposed development would not harm the character and appearance of the host dwelling and the surrounding area. The proposed development therefore complies with Policy P10 of the Leeds Core Strategy (as amended 2019) and saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006). These policies seek, amongst other things, to promote good design and ensure the size, scale, design and layout of

development is appropriate to its context and respects the character and quality of surrounding buildings.

10. The proposed development would also comply with guidance contained in Policy HDG1 of the Leeds Householder Design Guide (HDG) Supplementary Planning Document (2012). This guidance outlines that extensions, additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality.
11. The proposed development would also comply with the National Planning Policy Framework (December 2024) (the Framework) which outlines, amongst other things, that decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character including the surrounding built environment.

Living conditions

12. The proposed first floor extension would sit above the existing footprint of the single storey extension to the rear. Two of the rear windows of the extension are to be obscure glazed due to serving bathrooms. As a result, the Council's concerns relate to views that could be gained from the windows that would serve a bedroom at the first floor level of the proposed extension.
13. I observed on my site visit that 28 Mavis Lane has a large outbuilding flush against the boundary with the appeal site. The outbuilding as a result generally screens views into the usable area of 28 Mavis Lane's Garden and I consider this would still be the case when viewed from the proposed bedroom windows. As a result of this, views from the proposed extension would generally be beyond the neighbouring gardens and towards the properties on Green Lane in the distance.
14. I accept that there may be a degree of overlooking upon the garden of 28 Mavis Lane due to first floor windows of the appeal site being closer to the boundary. However, the close relationship of the properties presently permits a degree of mutual overlooking between the two properties into their respective gardens. For this reason, I am not persuaded that, although the first-floor extension may create opportunities for an additional impact on privacy in contrast with the previous situation, that any additional impact would not be so significant as to be unacceptable in the existing context.
15. I acknowledge that the proposal would not accord with the guidance within the Council's Householder Design Guide on page 12 in regard to recommended separation distances. However, when taking into account the large boundary hedge separating the properties, and the footprint of 28 Mavis Lane's outbuilding, in this instance it is not considered that the proposal's failure to accord with the guidance will result in adverse harm to the living conditions of the neighbouring residents with regards to overlooking and loss of privacy.
16. Accordingly, I consider that the living conditions of the occupiers of 28 Mavis Lane would be adequately protected in accordance with Policy P10 of the Leeds City Core Strategy 2014, as amended, Policy GP5 of the Leeds Unitary Development Plan and advice at paragraph 135 of the Framework (December 2024). Notwithstanding the guidance in the Council's Householder Design Guide Supplementary Planning Document (published April 2012), for the foregoing reasons the scheme would nonetheless be acceptable. In summary,

and amongst other things, those policies and provisions seek to ensure that development protects the living conditions of occupiers including their privacy and levels of light that they receive.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition requiring that the development be carried out in accordance with the approved plans in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose a planning condition requiring the use of matching materials. A condition requiring obscured glazing be used for the proposed bathroom windows is also necessary in the interests of residential amenity.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed subject to the stated conditions.

Mr A Spencer-Peet

INSPECTOR