



Appeal Decision

Site visit made on 15 May 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2025

Appeal Ref: APP/N4720/D/25/3361500

23 Newlands, Farsley, LS28 5BE

- 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 Lee Beetham against the decision of Leeds City Council.
 - The application Ref is 24/06523/FU.
 - The development proposed is proposed double garage and annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the site and surrounding area; and
 - the living conditions of the residents of 21 Newlands with particular reference to privacy.

Reasons

Character and appearance

3. The appeal site is a detached dormer bungalow, which fronts onto Newlands. It has a long driveway which runs along the side of the dwelling to a single storey double garage with pitched roof, which sits at a lower ground level to the dwelling. The side elevation of the garage adjoins The Boulevard, the opposite side of which lies Hainsworth Park. The rear garden of the adjoining dwelling at No 25 has been subdivided and a dwelling known as Park View House has been built which fronts onto The Boulevard.
4. The rear garden of the host property is set back from The Boulevard and enclosed by stone walling of approximately 1.5m in height. I observed that some of the trees shown on the submitted plans have been removed. Therefore, due to the low-level landscaping and boundary treatments along The Boulevard there are views between outbuildings to the rear gardens of dwellings facing onto Newlands, which contributes to the verdant, spacious appearance of the area.
5. The footprint of the proposed building would extend across the entire width of the plot which would dominate the appearance of this part of the garden. The proposed building would have a lower ridge height to the main dwelling and would be partially stepped down at first floor level. Nevertheless, its overall scale and massing would be similar in appearance to the detached dwelling at Park View

House. As a result, it would have the appearance of an independent dwelling within the garden, rather than that of an ancillary domestic addition. Despite facing into the site and being located at the bottom of the garden, the overall proportions of the proposed building in comparison to the host property would not be subservient in appearance.

6. Although the building would be partially set down at first floor level, this flat roof element would still be visible above the height of the boundary wall when viewed from the Boulevard. The height and massing of the proposal and extent across the width of the site would be visually prominent when viewed from the Boulevard and from neighbouring dwellings. Moreover, it would erode the spacious character and appearance of the surrounding area.
7. The proposed development would harm the character and appearance of the site and surrounding area. It thereby conflicts with Policy P10 of the Leeds Core Strategy (Revised 2019) (CS) and Policies GP5 and BD5 of the Leeds Unitary Development Plan (Review 2006) (UDP). Together these policies seek amongst other things to ensure that development is of good design and the size, scale, design and layout is appropriate to its context and reflects the character and quality of surrounding buildings and the streets and spaces that make up the public realm.

Living conditions

8. Although visibility across the rear garden of No 21 is already available from the host property, the proposed new windows at first floor level would substantially increase the opportunity for direct overlooking into the lower part of the garden space near to the proposed building. The appellant contends that as the windows are recessed within the roof structure the field of vision would be narrowed. Nevertheless, these windows would serve habitable rooms and would provide outlook into areas of the garden in closer proximity than is currently afforded, thereby causing unacceptable harm to the living conditions of the residents of No 21 with regards to privacy.
9. The appellant puts forward that as the proposal is for an annexe it is not intended to function as an independent dwelling and therefore the frequency of overlooking would be reduced. However, in my view, even infrequent use of the annexe would cause harm to residents in relation to loss of privacy.
10. The proposal would therefore result in unacceptable harm to the living conditions of the residents of 21 Newlands with particular reference to privacy. The proposal therefore conflicts with Policy P10 of the CS and Policies GP5 and BD5 of the UDP. These policies seek amongst other things to ensure that new development protects residential amenity through high quality design that enhances privacy.

Conclusion

11. The proposal would provide living accommodation for a member of the appellant's family to allow them to live close by and for the use of other members of the family. However, I have identified harm to the character and appearance of the site and surrounding area and the living conditions of neighbouring residents. These harms are not outweighed by the benefits which I have identified.

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
13. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR