



Appeal Decision

Site visit made on 22 April 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 9th June 2025

Appeal Ref: APP/N4720/D/24/3357220

9 Westfield Gardens, Kippax, Leeds LS25 7JB

- 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 Richard Eason against the decision of Leeds City Council.
 - The application Ref is 24/04428/FU.
 - The development proposed is for a rear extension with a basement and a single-storey side extension, both covered by the extended roof from the existing building, a single-storey rear extension with glass walls and door enclosures over the existing outdoor patio and modification of the timber deck walkway to match the new building profile.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension with a basement and a single-storey side extension, both covered by the extended roof from the existing building, a single-storey rear extension with glass walls and door enclosures over the existing outdoor patio and modification of the timber deck walkway to match the new building profile at 9 Westfield Gardens, Kippax, Leeds LS25 7JB in accordance with the terms of the application, Ref 24/04428/FU, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The effect of the proposed development on:
 - the character and appearance of the property and surrounding area; and
 - the living conditions of the occupants of the neighbouring property, 7 Westfield Gardens, with regard to overbearing and overshadowing.

Reasons

Character and appearance

3. The appeal property is a two-storey detached house located within a cul-de-sac of individually designed detached houses that vary in style, size, height and materials. Houses are predominantly sited within modest plots with open gardens and driveways to the front and private gardens to the rear. The rear garden to the appeal property is on lower ground and is notably larger than many neighbouring plots. The area has a suburban character defined, in part, by the variety of building styles, materials and sizes.
4. The appeal property has been previously extended to the rear to form 2 single-storey projections. The proposed development would further extend one of the projections to the rear and to one side and it would also infill the space between the

- 2 projections. Given the sloping nature of the site, the development would also form a basement storeroom.
5. The development would not be visible from the street as it would be to the rear of the house. Therefore, it would have a highly localised visual effect and it would not affect the main views of the appeal property. Moreover, the form and design of the extensions as well as the proposed external materials would be sympathetic to the existing property.
 6. The proposal would enlarge the footprint and built form of the house. However, the extensions would be lower than the main part of the dwelling and the increase in size would be modest having regard to the scale of the house as it stands. Moreover, given the size of the rear garden, the resulting dwelling would be proportionate to its plot. Therefore, even if seen from neighbouring properties, the extension would not dominate the property.
 7. For the above reasons, I conclude that the proposed extension would not have a harmful effect on the character and appearance of the existing property and the surrounding area. Accordingly, I find no conflict with Policy P10 of the Leeds Core Strategy, September 2019 (the CS), and Policies BD6 and GP5 of the Leeds Unitary Development Plan (UDP), reviewed 2006. Also, I find the proposal would accord with Policy HDG1 of the Council's Householder Design Guide Supplementary Planning Document, 2012 (the SPD). These policies require development to be appropriate to its context and respect the scale, form and detailing of the original building.

Living conditions

8. The existing rear extension to the appeal property runs parallel with the shared boundary to the neighbouring property, 7 Westfield Gardens (No 7). The extension is slightly set back from the side wall of the original house. A close-boarded fence lies on the boundary between the appeal site and No 7 and there is a hedge on the boundaries with properties on Westfield Lane to the rear. Although No 7 is situated at a lower level than the appeal property the 2 houses are well-spaced from each other.
9. Currently, the boundary fence partially obstructs views of the existing rear extension to the appeal property from the garden and conservatory to No 7. The proposed development would bring the side wall of the rear extension closer to the boundary with No 7 and extend the length of the side wall that is visible from the neighbouring property. However, the extensions would be largely concealed behind the boundary features and so the proposal would have no meaningful or harmful effect on the outlook from No 7. As such, the proposal would not have a great overbearing effect on the occupants of No 7.
10. The appeal property is located to the south of No 7 and on higher ground. As such, the existing buildings, fence and hedge of the appeal property already shade the neighbouring property to some degree. However, there would be only a slight change in the height and proximity of buildings resulting from the proposed development. Therefore, the proposal would make little difference to the current situation with regard to daylight and sunlight penetration onto No 7.
11. For the above reasons, I conclude the extension would not have a harmful effect on the living conditions of the occupants of No 7 with regard to overbearing and

overshadowing. Accordingly, I find no conflict with the CS Policy P10, Policy GP5 of the UDP and policy HDG2 of the SPD. These policies require development to protect visual, residential and general amenity and allow satisfactory penetration of sunlight and daylight. The Council's refusal reason on this matter also refers to UDP Policy BD6 but this contains no relevant provisions.

Conditions

12. In the interests of certainty and precision, I have imposed a condition that requires the development to be carried out in accordance with the submitted drawings. There is no need for a separate condition on external materials as the plans include sufficient detail and information.
13. The Council has suggested a planning condition that would prevent the insertion of windows in the side elevation of the extensions facing towards No 7. However, the existing boundary treatments would prevent overlooking from any windows that may be inserted in the future and so such a condition is not needed to preserve the privacy of the neighbouring residence.

Conclusion

14. The proposal accords with the development plan, when taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is allowed.

C Mayes

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with following approved plans:
 - DWG-PL-100 (Rev A) – Block Plan and Site Plan
 - DWG-PL-102 (Rev A) – Proposed Ground Floor Plan
 - DWG-PL-103 (Rev A) – Proposed Basement Floor Plan
 - DWG-PL-105 (Rev A) – Proposed Roof Plan
 - DWG-PL-107 – Proposed East Elevation
 - DWG-PL-109 (Rev A) – Proposed North Elevation
 - DWG-PL-111 (Rev A) – Proposed South Elevation
 - DWG-PL-112 – Proposed Building Section A-A
 - DWG-PL-113 (Rev A) – Proposed Building Section B-B