



Appeal Decision

Site visit made on 9 June 2025

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/N4720/D/25/3364560

84 Whitehouse Lane, Great Preston, Leeds LS26 8BJ

- 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 Phillip Champlin against the decision of Leeds City Council.
 - The application Ref is 24/06647/FU.
 - The development proposed is described as 'retrospective application for the removal of conservatory; single storey rear extension'.
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Preliminary Matters

1. In summary, the appellant described the appeal proposal as 'retrospective planning for the existing large d or p shaped Conservatory (5.8m x 4.5m footprint) that has been replaced with a brick extension (5.8m x 4.5m footprint'. The Council's description of development more concisely describes the proposal and has therefore been used in this Decision.
2. The extension has already been built and the appeal proposal has been determined on this basis.

Decision

3. The appeal is allowed and planning permission is granted for the removal of conservatory; single storey rear extension at 84 Whitehouse Lane, Great Preston, Leeds LS26 8BJ in accordance with the terms of the application, Ref 24/06647/FU, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: ref 030/06/2021 and Site Location Plan.

Main Issue

4. The main issue in this appeal is the effect of the appeal proposal on the living conditions of the occupiers of the neighbouring property in respect of overshadowing and by being overbearing.

Reasons

5. The appeal proposal is a single-storey extension attached to a two-storey addition at the rear of the appeal property (No 84). I am informed that the extension is 4.5m deep, measured from the rear of the two-storey extension, with a ridge height of 3.7m, decreasing to 2.4m at the eaves which are close to the site boundary. It replaces a conservatory of a similar height.

6. Planning permission has previously been granted for the construction of a 3.8m deep extension in the same position. That proposal was scaled back from the originally proposed 4.5m to project 3m beyond the rear elevation of the extended neighbouring property (No 86) at the Council's request. The 3m depth would have broadly accorded with the aims of Policy HDG2 of the Council's Householder Design Guide SPD (SPD) which, of relevance to this appeal, seeks to protect the amenity of neighbours to development in respect of excessive overshadowing and overdominance. Within the context of this appeal, application of the 45-degree code is not a primary consideration.
7. There is a tall hedge along much of the boundary between Nos 84 and 86 which is a similar height to the extension. A section nearest the houses was removed to accommodate the extension. I am informed that this hedge previously screened the conservatory from No 86. It is also material to this decision that a 2m boundary structure could be erected in this position under 'permitted development' (PD) rights.
8. Having regard to this background and context, it is necessary to determine the effect on neighbouring living conditions of the difference in depth between the approved scheme at 3.8m and the appeal proposal at 4.5m, together with the effect of the difference in height between a 2m tall boundary structure and the 2.4 eaves height of the extensions at this point. Accordingly, I have considered the resulting increase in the overall scale and bulk of the extension that has been erected, the built context and the orientation of the neighbouring houses.
9. In terms of overshadowing, the technical evidence indicates that the impact of the extension on daylighting would be predominantly during the mornings, with shorter shadows during the spring and summer months when gardens are more frequently used. I have also had regard to the overshadowing impact of the approved extension and other neighbouring buildings. I am satisfied that the extension does not increase overshadowing of the neighbouring property's rear rooms and garden to a harmful extent.
10. I turn now to an assessment of the potential overbearing effect of the extension on the occupants of No 86. The more compelling evidence with this appeal, together with my observations at the site visit, lead me to conclude that the impact of the approved and constructed extensions is not materially different. The replacement of the view of the hedge with a view of the flank wall of the extension amounts to a change in outlook. However, this is in itself not a good reason to withhold planning permission.
11. The extension's pitched roof slopes up and away from the boundary to reach some 3.7m at the ridge. This design helps to reduce the perceived bulk of the extension and limits any overshadowing and overbearing effects arising from the maximum roof height.
12. I conclude that the size, scale and siting of the single storey rear extension does not result in an unacceptably overshadowing and overbearing development when considered alongside the extension for which planning permission has already been granted and the context of the appeal site.
13. Accordingly, I conclude that the proposal does not conflict with the aims of Policy P10 of the Core Strategy Review (2019) which requires good design which, among

other things, respects residential amenity, and the similar aims of saved Unitary Development Plan Review (2006) Policy GP5 and the SPD.

Conditions

14. As the extension has already been constructed, there is no requirement for conditions relating to the standard time limit for construction or to the use of matching materials. I have imposed a condition identifying the approved drawings, for the avoidance of doubt and in the interest of proper planning. As the approved drawings are identified, it would be unreasonable to impose the further condition suggested by the Council to prevent any window openings being made in the side elevation facing No 86.
15. For the reasons set out above, and having regard to all other matters raised, including letters of support and objection from neighbouring occupiers, the appeal is allowed.

Elaine Benson

INSPECTOR