



Appeal Decision

Site visit made on 24 June 2025

by **S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/N4720/D/25/3363272

269, Whitehall Road, Drighlington, Bradford BD11 1BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Mr. Mark Sharrock against the decision of Leeds City Council.
- The application reference is 25/00514/FU.
- The application sought planning permission for a detached house to vacant land without complying with a condition attached to planning permission reference 14/01882/FU.
- The condition in dispute is No. 14 which states that *"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any extensions, roof extensions (including dormer windows) or outbuildings are erected"*.
- The reason given for the condition is *"as the Local Planning Authority wish to keep control over the erection of these additions and buildings in the interests of visual and residential amenity, in accordance with adopted Leeds UDP Review (2006) policies GP5 and the National Planning Policy Framework"*.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was approved on 30 June 2014 for a dwelling to be constructed on the land. This includes condition No.14, as outlined in the banner heading above, which removes national permitted development rights from the property.
3. In the context of the above, the main issue in respect of this appeal is whether condition No.14 of planning permission 14/01882/FU is necessary in so far as protecting the living conditions of the occupiers of adjoining properties, as well as in terms of ensuring that the dwelling continues to be appropriately designed, and to assimilate well and sympathetically into the character and appearance of the area having regard to local and national planning policies.

Reasons

4. The appellant considers that condition No.14 has been unfairly imposed and that other properties in the area have been allowed to be extended. It is not the case that the imposition of condition No.14 means that the appellant is not able to carry out any additions, alterations or extensions to the property at any time. The condition merely requires the appellant to apply for planning permission for the type of development listed in condition No.14, although I do acknowledge that the local planning authority (LPA) may decide that a proposal is unacceptable and hence may refuse planning permission.
5. I do not know the circumstances relating to the extensions/additions permitted in the immediate locality. I do not know if they were approved after first applying for planning permission, or whether permitted development rights were exercised. In any event, it is necessary that I consider whether it is reasonable and necessary that national permitted development rights have been removed in the respect of the appeal property. I do not agree with the appellant that one should automatically take the view that it is unfair or discriminatory that some properties might have permitted development rights in place, or that other landowners have been allowed to extend their homes, whereas the appellant has been denied such permitted rights..
6. The appeal property is a relatively recently constructed dwelling. The land was much more open prior to the dwelling being constructed on it. There is no evidence to suggest that there was a dwelling on the land historically.
7. The dwelling has been built in accordance with the above 2014 planning permission. In considering whether there is clear justification for continuing to impose condition No.14, as outlined in paragraph 55 of the National Planning Policy Framework 2025 (the Framework), it is reasonable that I first consider the reasons for its inclusion by examining the officer report which formed the basis of the Council's decision to grant planning permission for the dwelling.
8. Of relevance, it is noteworthy that the officer report states that in response to '*design concerns*', '*the applicant has reduced the overall scale of the property in terms of its height and footprint, The property now retains a distance of 10m to the rear boundary opposed to 7m and 2.5m to the east and west boundaries opposed to 1m to mitigate the impact on neighbouring sites from overlooking and dominance. Alterations have also been made to the scale, form and fenestration of the property in order to relate more sympathetically to the character of neighbouring properties*'.
9. On my site visit, I was able to appreciate the constructed dwelling in the context of its surroundings. It is a large property relative to the overall size of its plot. I find that the LPA's justification for removing the permitted development rights in 2014 is equally applicable today. It would seem that the dwelling which was approved followed a series of design negotiations. The pattern of development in the immediate area is relatively tight-knit and it was appropriate to retain space between and around the property so as to ensure an acceptably spacious character between buildings as well as to ensure that the resultant dwelling did not dominate the outlook or lead to any material loss of privacy or light to those existing residents in neighbouring dwellings.
10. While the LPA approved the dwelling in 2014, it is clear that its assessment was based up on the fact that any future development to the side or rear of the approved

property may bring the resultant dwelling too close to the existing dwellings which, in turn, could cause harm to the living conditions of the occupiers of such properties in terms of loss of outlook, privacy and/or light. I do not disagree with this assessment. Moreover, I find that any such development could have the effect of resulting in an overly cramped dwelling within its plot and without the necessary open gaps between properties which are necessary to ensure that the prevailing character to the pattern of development in the locality is suitably maintained.

11. I also emphasise that while the dwellings in the immediate area are not identical in appearance, there is nonetheless some design synergy in terms of the use of stone walls and the simplicity afforded to fenestration details. There is a general absence of dormers in the area, and prominent roof slopes are unbroken. In this regard, there is some pleasing design synergy that exists to the scattering of properties in this immediate locality. Furthermore, the relatively limited space around the property offers the opportunity to include some landscaping which would soften the otherwise built form. The appeal condition provides some control in terms of ensuring that this potential is not materially lost. These matters add to my reasoning above that there is clear justification in this case to remove the specified national permitted development rights.
12. Given the above, I find that the condition is both reasonable and necessary. In fact, the condition meets all the tests as laid out in paragraph 57 of the Framework. In the absence of the condition, there is potential for harm to be caused to the prevailing character and appearance of the area and/or to the living conditions of the occupiers of neighbouring residential properties whether that be in respect of loss of outlook, light or privacy.
13. Therefore, I conclude that the condition is still necessary in so far that it seeks to ensure that the Council maintains appropriate control in respect of the impact of extensions, roof additions and outbuildings, having regard to the amenity, character, appearance and design requirements of the adopted 2014 (amended 2019) Leeds Core Strategy policies P10 and P12, saved policies GP5 and BD5 of the Leeds Unitary Development Plan 2006, the Council's SPG13 Neighbourhoods for Living: A Guide for Residential Design in Leeds, and chapter 12 of the Framework.

Conclusion

14. For the reasons outlined above, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR