



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: 01 July 2025

Appeal Ref: APP/N4720/D/25/3361099

59 Buckstone Avenue, Alwoodley, Leeds LS17 5EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by R Iqbal against the decision of Leeds City Council.
 - The application reference is 24/06445/FU.
 - The development proposed is a single storey side and rear extension, landscaping including the creation of two parking spaces to the front and associated widening of the vehicle access point.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side and rear extension, landscaping including the creation of two parking spaces to the front and associated widening of the vehicle access point at 59, Buckstone Avenue, Alwoodley, Leeds, LS17 5EZ in accordance with the terms of the application reference 24/06445/FU, subject to 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 the following plans: 002A (proposed elevations and floor plan); 003A (block plan and layout plan) and the location plan submitted with the application.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The appellant describes the proposed development as a single storey side and rear extension, whereas the local planning authority (LPA) describes it as in the banner heading. I have used the latter in the decision as it more accurately describes the proposed development.

Main Issue

3. The LPA raises no objections to the proposed parking provision and the amendments to its access. I have no reason to disagree. In addition, the LPA has referred to a separate, prior approval application which has recently been granted for a single-storey rear extension with a four metre projection (application reference 24/02066/DHH) and similar in this regard to the proposed rear extension part of the current proposal. The LPA considers that this represents a fall-back position and does not object to this part of the proposal. Furthermore, it raises no objection to the design of the side extension

with its stepped, sloping elements, and again I have no reason to disagree with its assessments.

4. Therefore, the main issue is the impact of that part of the proposal forming the side extension upon the living conditions of the occupiers of the adjoining No. 57 Buckstone Avenue in terms of outlook and light .

Reasons

Outlook

5. The appeal property and its neighbours are sited on the inside of a curve in the avenue so that the host property and No. 57, Buckstone Avenue are set at an angle to each other, with the distance greatest between them close to the road and narrowing towards the rear. The effect is also that No. 57, Buckstone Avenue has a small, triangular rear garden. The proposed side extension to the host property would adjoin one side of the triangle, though it would include a series of step backs from the actual boundary.
6. The adjoining property has a single storey window adjoining the boundary between it and the proposed side extension. However, while the proposed extension might be visible from it, depending upon any intervening landscaping, the view directly from the window would not be interrupted by it and the extension would be seen at a slightly oblique angle.
7. The LPA notes that *'the mass of the extension, at its closest point, would sit approximately 4.3 metres from the nearest rear elevation window of No. 57, significantly below the guideline separation distance of 10.5 metres'*.
8. The Council's Householder Design Guide 2012 (SPD) considers that there should be such a minimum separation distance to a boundary, which it defines as the limit to the curtilage. However, the SPD also advises that *'these distances are a guide only and should not be taken as a hard and fast rule'*.
9. The proposed extension would present an unbroken brick wall alongside one side of the triangular rear garden to the neighbouring property. However, it would not all be sited exactly on the boundary between the two, and its enclosing visual impact would be lessened by it being stepped back at various places along its length.
10. In the case of the appeal proposal, the advisory separation distance is tempered by the fact that the extension would be seen obliquely from the ground floor of the neighbouring property's window, and by its impact being constrained by its single storey height. Moreover, such an oblique view would also encompass the proposed rear elevation part of the proposed development which would not be much further away from the window, and where the LPA raises no objections to it and which already has a separate prior notice approval.
11. Therefore, for the above reasons, I do not consider that the proposed extension would have an unduly oppressive or over dominant effect upon the outlook of the occupants of the neighbouring property. I note that the occupants have not objected to the proposal, having been consulted upon it.
12. I have taken into account that there is a slight difference in floor levels between the two dwellings, with the host property being somewhat higher. However, I do not

consider that the difference is such as to make the proposed extension to be excessively dominating.

13. Therefore, I conclude that the proposal would accord with policy P10 of the Leeds Core Strategy 2014 (CS), its saved Unitary Development Plan 2006 policy GP5 (UDP), the aim of policy HDG2 of the SPD, and chapter 12 of the National Planning Policy Framework 2025 (as amended) (the Framework), all of which aim to protect the amenities of the area where development is proposed.

Light

14. The LPA considers that, by its massing and position, the side extension would lead to harmful overshadowing to No. 57, Buckstone Avenue.
15. However, when taking account of the arc of the sun, the limited height of the proposed extension in comparison to that of the host property, and by its siting on the latter's western elevation, any such overshadowing effect of the proposed side extension would be mainly limited to early mornings, as the LPA attests.
16. The appellant has submitted plans for every month of the year in order to indicate the very limited effect, or absence of, any additional overshadowing of the garden area to the neighbouring property, and while these only show the position at one point during the day (midday), they do add weight to my finding that any overshadowing would not be significantly harmful.
17. I conclude that the proposed development would not result in a material loss of light to the neighbouring property. Therefore, It would accord with policy P10 of the CS, policy GP5 of the UDP, the aim of policy HDG2 of the SPD, and chapter 12 of the Framework, all of which seek to ensure high standards of amenity for existing and future occupants.

Conditions

18. I have imposed the standard time condition and, for the avoidance of doubt and in the interests of certainty, a condition relating to the approved plans. In the interests of good design, it is necessary to impose a condition relating to external materials.

Conclusion

19. There are no material planning considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, the appeal should be allowed.

S. Hartley

INSPECTOR