



Appeal Decision

Site visit made on 30 July 2025

by **A Caines BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Appeal Ref: APP/N4720/W/25/3367257

Land Adjacent To 39 Pool Road, Otley, Leeds LS21 1HL

- 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 Mrs D Bentley against the decision of Leeds City Council.
 - The application Ref is 25/01624/FU.
 - The development proposed is erection of one detached dwelling with associated amenity space, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of neighbouring residents at 39 and 49 Pool Road, with particular regard to privacy, outlook, and overshadowing;
 - Whether the development would provide acceptable living conditions for its occupiers in terms of garden space, outlook, and privacy.

Reasons

Character and appearance

3. The appeal site lies within an established residential area along Pool Road, characterised by a mix of two-storey houses and bungalows. These dwellings typically feature hipped roofs and are set back from the road along a uniform building line, contributing to a coherent and established streetscape.
4. Although the site has a mostly open and undeveloped appearance, it is modest in size, privately owned, and does not fall within any heritage or landscape designation. Moreover, the front of the site is covered in hard pebble surfacing. While the Council considers it to make a valuable contribution to the street scene, I find its contribution to be more limited. Thus, I have no in principle objection to the scheme under Policies H2 and P12 of the Leeds Core Strategy (2019) (the LCS).
5. However, the proposed dwelling would be positioned significantly deeper into the plot than neighbouring properties. This would noticeably disrupt the established building line and result in a layout of development that appears visually disconnected from the surrounding built context.

6. Furthermore, it's narrow width and one and a half storey height would appear awkwardly proportioned and inconsistent with the prevailing built character, failing to reflect the scale and proportions of either the full two-storey houses or the single-storey bungalows nearby.
7. The architectural design would further exacerbate this discordance. The combination of an asymmetric front gable, varying roof pitches including a half-hipped roof, and squat dormers would create a fragmented and visually unbalanced appearance overall.
8. While some nearby dwellings incorporate front gables and offset eaves, these are more cohesively designed and proportioned.
9. I therefore find that the development would cause significant harm to the character and appearance of the area. It would conflict with Policy P10 of the LCS, where it seeks high quality design that respects local character and contributes positively to place making. It would also be contrary to saved Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (UDP) in so far as it requires development proposals to address detailed design considerations.

Living conditions of neighbours

10. The Council raised concerns about overlooking of neighbouring gardens. However, the first-floor side window of bedroom 2 would face the blank gable wall of No 49, and any views into the rear garden of No 49 would be oblique and comparable to those from the upper floor windows of surrounding properties, which is typical in residential settings. The rear facing windows would be set deep within the plot, further reducing any potential for harmful overlooking of the gardens of Nos 39 and 49.
11. In terms of outlook and dominance, the proposed dwelling would be modest in height and set in from the site boundaries. A shared driveway further separates the site from No 49, which also benefits from a tall boundary hedge at the rear. Additionally, No 39 has a garage positioned on the boundary that projects further than the proposed dwelling, albeit at a lower height. These factors would sufficiently mitigate any sense of overbearing impact on neighbouring occupiers.
12. Regarding overshadowing, the proposed dwelling would lie to the east of No 39 and to the west of No 49. Its modest height and the presence of the existing garage would limit any overshadowing of No 39 in early morning hours. Similarly, the separation distance from No 49, existing boundary treatment, and the building's modest height would prevent harmful overshadowing of No 49 later in the day.
13. I therefore find that the development would not unacceptably harm the living conditions of neighbouring residents at 39 and 49 Pool Road in terms of privacy, outlook, or overshadowing. The proposal complies with Policy P10 of the LCS, and saved Policies GP5 and BD5 of the UDP, in so far as they seek to protect residential amenity.

Living conditions of the occupants

14. The Council's Neighbourhoods for Living Supplementary Planning Guidance (SPG) provides guidance on garden size, outlook, and privacy distances, but does not have the status of policy and its application will vary depending on context.

15. In terms of rear garden provision, the development marginally exceeds the SPG requirement of 56 sqm. Although the boundary hedge and an existing tree may practically reduce useable space, this would not be to a significant degree. Overlooking from the upper floor windows of neighbouring properties is typical in suburban areas and is not considered excessive in this case.
16. The distance from the bifold doors to the rear boundary would be around 6.5m, which is below the 10.5m guideline in the SPG. However, the boundary hedge provides a soft outlook, and given the distance and orientation of the neighbouring dwellings at the rear, the internal space would not feel enclosed or oppressive.
17. The first-floor window serving bedroom 2 would face the blank gable end of No 49 at a distance of approximately 5m, below the 9m SPG guideline. Even so, this window would not be a primary source of outlook for the dwelling and would still receive adequate daylight.
18. The kitchen and living room windows in the side elevation would face onto the shared driveway, but this is not unusual in residential settings. Moreover, these are secondary windows so privacy can be managed with blinds or curtains if needed.
19. Overall, while the proposal does not fully meet all SPG guidelines, it would provide a reasonable standard of living for future occupiers. The proposal complies with Policy P10 of the LCS and saved Policies BD5 and GP5 of the UDP in so far as they require a high standard of amenity for future users.

Other Matters

20. Several additional concerns were raised by third parties, including in relation to drainage and flooding, construction impacts, biodiversity, and highway safety. These matters did not feature in the Council's refusal reasons, and as the appeal is being dismissed on other substantive planning grounds, it is not necessary to consider them further in this decision.
21. Concerns relating to restrictive covenants and access have also been raised. However, these are private or legal matters and fall outside the scope of the planning system, so are not determinative in this appeal.

Conclusion

22. The development would not result in unacceptable harm to the living conditions of neighbouring residents or future occupiers. However, it would cause significant harm to the character and appearance of the area, which weighs heavily against the proposal.
23. While the provision of an additional dwelling carries some weight in favour of the scheme, this benefit does not outweigh the identified harm to the local character and the conflict with the development plan when read as a whole. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR