



Appeal Decision

Site visit made on 8 July 2025 by J Reed MPlan

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Appeal Ref: APP/N4720/D/25/3363290

46 Otley Old Road, Cookridge, Leeds LS16 6HW

- 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 D Singh against the decision of Leeds City Council.
 - The application Ref is 24/07120/FU.
 - The development proposed is a proposed single and two storey side extension and two storey rear extensions with balcony to rear with privacy screen. Alterations to existing attic room. Proposed open front porch canopy. New pitched roof to rear storeroom. Rooflights and dormer window to front and rear. New stair landing window to side wall.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appellant has submitted amended plans as part of the appeal which include the removal of the proposed porch, front dormer and reductions to the side and rear extensions and removal of one and a reduction of the other side elevation windows to the appeal dwelling.
4. The long-standing principles set out in *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37] are often cited in casework. It held “The main, but not the only criterion ... is whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.”. However, the more recent judgment in *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin) subtly refined these principles as the judge found that the test in *Wheatcroft* was “flawed” because it conflated two tests which must be considered separately: 1) a substantive test and 2) a procedural test.
5. I have also had regard to the advice set out in the *‘Procedural Guide – Planning Appeals – England’*. The Procedural Guide advises that if an amendment to an application proposal would be likely to overcome a reason for refusal, then this should normally be made by a fresh application. The appeal process should not be used to evolve a scheme and what is considered at the appeal should essentially be what was considered at the application stage.

6. In this instance, the effect of the revised plans would fail both the substantive and procedural test. The amended plans would result in a fundamental change to the proposals which I consider a substantial difference. Furthermore, due to the procedural constraints of a Householder Appeal process which prevents the Council from having a further opportunity to formally comment on the revised plans, accepting the amended plans would cause unlawful procedural unfairness.
7. I therefore consider that the amendments would fail the tests according to Holborn Studios and therefore have considered the appeal on the basis of the plans submitted to the Council.

Main Issues

8. The main issues are the effect of the proposed development on 1) the character and appearance of the host dwelling and area; and 2) the living conditions of occupants of 44 Otley Old Road and 48 Otley Old Road with regard to privacy, sunlight and outlook.

Reasons for the Recommendation

Character and Appearance

9. The appeal property is a two-storey semi-detached dwelling with a hipped roof. It is very similar in this respect to others in the street which, along with the defined set back, spacing between the dwellings and limited number of alterations and use of materials contributes positively to the character and appearance of the area.
10. In this context, the front dormer would be an incongruous and unacceptably anomalous feature on the most visibly prominent elevation of the building. The dormer occupies a large portion of the roof space due to its depth and particularly its width, resulting in a large, boxy and dominant addition to the front roof slope. This appears as an overbearing extension and adversely alters the existing dwelling's simple character and design.
11. The accompanying addition of the two-storey side and rear extensions would emphasise the incongruity of the additions and would overwhelm and subsume the existing dwelling. This is particularly the case given the combination of the additional width and height of the resultant dwelling together with its uncharacteristic depth and width when compared to the surrounding development in the area.
12. When considered as a whole, the proposed development significantly lacks any coherence or logical connectivity. The pleasant, ordered form of the existing dwelling would be completely lost and this is demonstrated in the stepped nature and double ridge of the two-storey extension including the overall contrasting elements of the proposal. The alterations would detrimentally affect the original qualities of the appeal dwelling and, ultimately, the pleasantness of the street scene's consistency.
13. Whilst I acknowledge that the proposal would utilise matching materials, these acceptable materials would not overcome the harm I have identified.
14. In regard to the proposed porch, it would be a modest lightweight addition to the existing dwelling and would respect the architectural composition of the buildings existing form. Furthermore, it would be read in conjunction with other porch

additions present to the surrounding properties on Otley Old Road. This element of the development would therefore not cause harm.

15. Whilst the proposed porch and rooflights would be acceptable for the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the host property and the surrounding area. It would be contrary to the saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (2006) and Policy P10 of the Leeds City Council Core Strategy (2014), as amended (2019). The scheme would also fail to accord with the guidance set out within the Council's Householder Design Guide Supplementary Planning Document (2012). These policies and guidance seek to ensure that alterations are of an appropriate scale and design having regard to the existing building and the wider context. The proposal would also conflict with the National Planning Policy Framework which seeks to ensure that development is well-designed and sympathetic to local character.

Living Conditions

16. Due to the depth of the proposed development, the appeal scheme would result in a long wall against the shared boundary with No 44 Otley Old Road. This, coupled with its height and blank, featureless appearance would dominate views gained from the kitchen window closest to the shared boundary. This visual dominance would unacceptably reduce the quality of the outlook from the neighbouring window to the detriment of the living conditions of occupants of this property.
17. Turning to the single storey extension to the rear this would result in a 5-metre extension against the boundary with 48 Old Otley Road. Given the scale of the proposal and its proximity to No 48, the proposal would result in a harmful loss of day light to the bi fold doors serving the habitable room to the ground floor of No 48 and I see no reason to disagree with the council's conclusion on this matter following my observations onsite.
18. The proposals also encompass the inclusion of two windows to the side elevation of the appeal dwelling. These would serve a dressing room and the staircase and whilst I note this would allow for opportunities to look out upon No 44. I do not consider this to be over and above the existing situation of mutual overlooking between the properties. Crucially, these windows do not serve habitable room windows and as such I do not consider the proposals to be that different from the existing situation.
19. The appeal scheme outbuilding is set against the boundary with No 44 and due to the modest boundary fence is visible to the neighbouring property. However, even with the increased roof height the proposed outbuilding's single storey form, garden depth and the topography of the properties, the outbuilding would not be unacceptable or intrusively overbearing to the occupants of No 44.
20. The Council also raise concerns regarding a loss of light as a result of the outbuilding. Due to the orientation of the proposal relative to No 44 and taking into account the sun's path from sunrise to sunset, any overshadowing from the proposal would not be until late in the day. Even then, there is nothing to suggest that there would be a material loss of sunlight for occupiers of No 44 when compared with the existing outbuilding.

21. Accordingly, I consider that the proposed development would cause harm to the living conditions of the occupiers of both 44 and 48 Old Otley Road with regard to outlook and the proposal would not accord with Policy P10 of the Leeds City Core Strategy (2014), as amended (2019), Policy GP5 of the Leeds Unitary Development Plan and the guidance in the Council's Householder Design Guide Supplementary Planning Document (2012). In summary, and amongst other things, those policies and provisions seek to ensure that development protects the living conditions of occupiers including their privacy, outlook and levels of light that they receive.

Other Matters

22. The appellant has raised concerns regarding professional persons being allowed to make planning representations as part of the application process. Any representations received are taken into consideration as part of the planning process and given weight where necessary by the decision maker. This is not a reason to allow the appeal.
23. I note the appellant's desire to create more usable space for their family. Such personal circumstances seldom outweigh land use planning matters, and I give them limited weight in the appeal. Regarding other approved extensions in the area referenced by the appellant, insufficient details of these are before me to make a meaningful comparison and I have considered the appeal on its own individual planning merits.
24. I also acknowledge the environmental and sustainability merits of the scheme outlined by the appellant. However, such factors do not justify the harm to the main issues as I have identified.

Conclusion and Recommendation

25. The proposal would not accord with the development plan and, for the other reasons I have set out, material considerations do not attract sufficient weight to indicate a decision other than in accordance therewith. I therefore recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR