



Appeal Decision

Site visit made on 11 August 2025

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/N4720/D/25/3368035

111 Hillcrest Rise, Leeds LS16 7DJ

- 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 Stefan Christie against the decision of Leeds City Council.
 - The application Ref is 25/02413/FU.
 - The development proposed is two storey extension with canopy including new extended driveway to front; two storey and single storey rear extension and one new ground floor obscure glass window to side.
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Decision

1. The appeal is dismissed

Application for Costs

2. An application for costs was made by Mr Stefan Christie against Leeds City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
4. The appellant has requested that I consider this appeal on the basis of an amended scheme with an asymmetric primary elevation. Although this may reduce the massing of the proposal and the effect on neighbouring properties, this would nevertheless be more than a minor amendment to the proposal. Although interested parties have had the opportunity to comment on the original plans at the application stage, the appeal was progressed via the fast track written representations procedure as set out in the Council's appeal notification letter, which means that no further comments could be made on an amended scheme.
5. The amended plans are substantively different from the scheme which formed the basis of the planning application, and if I was to determine this appeal on the basis of the amended plans then this would be procedurally unfair to interested parties. The 'Procedural Guide: Planning Appeals – England' also advises that an appeal should not be used to evolve a scheme. I have therefore proceeded to determine this appeal on the basis of the plans which were submitted with the application and which were considered by the Council and interested parties at the application stage.

6. I have considered 2 other appeals¹ on the same site. Although there may be some issues in common between these appeals and therefore some repetition in my decisions, I have dealt with them as separate decisions due to the individual circumstances of each proposal.
7. In relation to this appeal and others on the site, it was requested that I view the appeal site from the neighbouring properties of 109 and 113 Hillcrest Rise, and I was able to do so on my visit.

Main Issues

8. The main issues are the effect of the proposal on the:
 - Living conditions of residents of Nos 109 and 113 with regards to outlook and light; and
 - Character and appearance of the host dwelling and the streetscene.

Reasons

Living Conditions

9. The appeal site is a detached dwelling with a generous front garden and a long garden extending to the rear. Based on evidence provided in respect of other appeals on the site which are also before me, the dwelling previously had a conservatory and garage both of which extended beyond the main rear elevation.
10. The two storey extension to the front of the dwelling would be located close to the boundary with No 109 and would project forward of the main front elevation of the neighbouring dwelling. Due to its projection, proximity and massing, the flank wall of the front extension would be a stark and oppressive feature in views from the nearest windows and part of the front garden of No 109. This would be the case even allowing for the angle of view from the front windows, and moreover there is a bay window to the side of No 109 which would be particularly affected. For the same reasons the proposal would lead to an unacceptable loss of light and overshadowing to the side window of No 109.
11. The proposed rear extensions would also project beyond the main rear elevation of No 109 closest to the appeal site. In a similar way as the front extensions, due to the projection and massing of the rear extensions and the proximity with the boundary of No 109, the proposal would appear as an obtrusive and overbearing feature in views from the rear garden of No 109 and the ground floor windows of rooms which face onto the extension.
12. In respect of light, the appellant has provided a shading diagram which indicates that overshadowing to the rear of No 109 would be limited to before 11:30am. However, this would still lead to loss of sunlight over a significant part of the day at certain times of year. The Council also use a 45° code as a useful way of assessing the impact of an extension on neighbouring properties. Based on the evidence before me, the rear extensions (including the 2-storey element) would project into the 45° area taken from the nearest edge of the closest rear-facing window of No 109. Based on what I have seen and read, the proposal would lead to an unacceptable loss of light to the rear of No 109 as well as loss of outlook, and the

¹ Appeal Refs: APP/N4720/D/25/3364066 and APP/N4720/D/25/3365055

appellant's shading diagrams do not lead me to a different conclusion. These negative effects would be exacerbated due to the sloping topography of the rear gardens.

13. Both the front and rear extensions would also be apparent from No 113. However, the extensions would have a greater separation from the boundary compared to No 109, and I consider that this would mitigate the effect of the proposal on the outlook and levels of light of No 113. Although there is a window on the side elevation of No 113, this is a secondary high level window with obscured glazing, and given that the room is also served by large patio doors on the rear elevation then the impact on the side window would not be sufficient to warrant the refusal of planning permission.
14. Notwithstanding my conclusions in respect of No 113, I conclude that the proposal would lead to significant harm to the living conditions of residents of No 109 due to loss of outlook and light. The proposal would therefore conflict with the amenity considerations of Policy P10 of the Leeds Core Strategy 2014 (the Core Strategy) as well as Saved Policy GP5 of the Leeds Unitary Development Plan Review 2006 (UDP). The proposal would also be contrary to the National Planning Policy Framework (the Framework) which seeks to secure a high standard of amenity. The proposal would also be contrary to the advice of the Householder Design Guide 2012 with regards to the protection of the amenity of neighbours.

Character and Appearance

15. The appeal dwelling is of an understated suburban appearance representative of the character of the area, although there is a wide variety in the design and layout of dwellings within the streetscene. Due to the arrangement and design of buildings there is not a particularly strong building line or a homogeneity of design within the wider streetscape.
16. The 2-storey front extension would not project as far forward as the main front elevation of No 113. Within that context, it would not appear as an unacceptable projection within the streetscene.
17. However, the extension would be set over 2-storeys projecting across the full width of the front elevation and would use a double gable roof. The scale of the extension would be an obtrusive feature projecting to the front of the dwelling, overwhelming the host building in views from Hillcrest Rise. The double gable roof is also not representative of this area, and even though these gables would be set below the main ridge of the roof, this roof design would add to the clumsy and jarring appearance of the front extension. Even given the variety of designs in the area and the variation in the building line, the scale and design of the front extension would appear as an incongruous feature dominating the front of the property.
18. The Council also refer to the scale and design of the front canopy. However, given the variety of designs in the area and the scale of the host dwelling, this canopy would not be of an incongruous appearance.
19. The Council has not raised concerns in respect of the character and appearance of the rear extension. Although the rear extension is of a similar scale and design as the front extension, including a double gable roof, the rear elevation of the dwelling is not particularly prominent in views from the public realm. On that basis, I

conclude that the rear extension would not lead to undue harm regarding character and appearance.

20. Notwithstanding my conclusions on the canopy and the rear extension, I conclude that, due to its scale and design, the proposed front extension would lead to significant harm to the character and appearance of the host dwelling and the streetscene. The proposal would therefore be contrary to the design requirements of Policy P10 of the Core Strategy and Policies BD6 and GP5 of the UDP. The proposal would also be contrary to the Framework which seeks to achieve well-designed places. The proposal would also be contrary to the advice of the HDG in respect of design and appearance.

Other Matters

21. The Council indicates that the rear extension would benefit from permitted development rights and it has therefore not objected to this element of the proposal in respect of the main issues. This rear extension is severable from the other elements and I have considered whether a 'split' decision could be issued.
22. However, I have identified harm to the living conditions of a neighbouring property arising from the rear extension. Were I to allow this element of the proposal, I cannot be certain that this extension would benefit from permitted development rights at the time of its construction given other potential extensions that have been referred to and which may be constructed under the property's permitted development rights. Furthermore, I have not made any determination in law as to whether the rear extension would be classed as permitted development, and this matter is more appropriately addressed through the consideration of a Lawful Development Certificate. I have therefore proceeded to determine this appeal giving full consideration of the effects of the rear extension.

Conclusion

23. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR