



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: 20 November 2025

Appeal Ref: APP/N4720/D/25/3365055

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 25/01859/FU.
 - The development proposed is described on the planning application form as “Combined application for rear and side extensions v1, v2, and v3; believed to be individually permitted development”.
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Decision

1. The appeal is dismissed.

Application for Costs

2. In Part H of the Appeal Form the appellant confirms that they have not made a costs application with this appeal. However, this appeal is referred to in respect of a costs application for a separate appeal¹ on the same site, and I will consider this matter further in respect of that Costs Decision.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has changed and various descriptions have been given. However, neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. The appellant has requested that I consider this appeal on the basis of a reduced 4m extension. However, the proposal was submitted on the basis of an 8m extension and consultation with neighbouring residents was undertaken on that basis. 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.
5. I have considered 2 other appeals² 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.

¹ Appeal Ref: APP/N4720/D/25/3368035

² Appeal Refs: APP/N4720/D/25/3364066 and Appeal Ref: APP/N4720/D/25/3368035

6. 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

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

Reasons

Living Conditions

8. The appeal site is a detached dwelling with a generous front garden and a long garden extending to the rear. Based on the submitted plans, the dwelling previously had a conservatory and garage both of which extended beyond the main rear elevation, although these have been demolished and did not extend as far to the rear as the appeal proposal.
9. Due to the degree of projection and massing of both the 2-storey and single storey elements 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. Similarly, the proposal would lead to unacceptable loss of light and overshadowing of rear windows and the garden of No 109. These negative effects would be exacerbated due to the sloping topography of the rear gardens.
10. The rear extensions would be set further from the boundary with No 113, and I am mindful that the property previously had a garage to the side and rear which was located closer to the site boundary than this element of the appeal proposal. However, even within that context, due to its projection and the sloping rear garden the proposed rear ground floor extension would be an oppressive and overdominant feature in views from the rear of No 113. This harm would be exacerbated due to the relatively limited length of the rear garden of No 113 and the set back of the main rear elevation of the dwelling at No 113 compared to the projection of the appeal proposal.
11. The proposed side extension would project in close proximity to the boundary with No 113. Although this extension is only a single storey, due to this proximity and the relationship with the garden and ground floor rooms to the rear of No 113 it would have an oppressive impact on the outlook from that property as well as leading to unacceptable loss of light. There was previously a garage to the side of No 111, but based on the evidence before me this did not project as close to the boundary as the appeal proposal. Although the garage projected further to the rear than the proposed side extension, this does not negate my concerns about the harm arising from the proximity with the boundary.
12. I am mindful that an objection to this proposal has not been received from the residents of No 113. The Council has also not raised concerns in relation to the effect of the side extension on No 113. However, the matter of living conditions has been raised generally in relation to the proposal, and the effect on No 113 has been

raised in comments from another property. It is therefore appropriate that I assess the effect of the side extension on No 113.

13. The proposed rear extension would include windows on the side elevations which could introduce an intrusive degree of overlooking. However, these would be secondary windows as the extension would be served by large patio doors to the rear as well as roof lights. Concerns in respect of loss of privacy could therefore be addressed by conditions requiring the use of obscured glazing for the side windows or requiring their removal from the proposal.
14. Notwithstanding my conclusions in respect of privacy, the proposal would lead to significant harm to the living conditions of residents of Nos 109 and 113 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 (the UDP). The proposal would also be contrary to the advice of the Householder Design Guide 2012 (HDG) with regards to the protection of the amenity of neighbours.

Character and Appearance

15. The proposed side extension would project close to the side boundary of the site. It would be flush with the front elevation of the host dwelling, and although the window design reflects that of the host dwelling, the extension does not attempt to take other design cues from the building such as a pitched roof. Due to its relationship with the front elevation, bland appearance and projection close to the boundary, the side extension would appear as a clumsy and jarring addition to the building.
16. The rear extension has both 2-storey and single storey elements. The Council refers to Policy HDG1 of the HDG which it considers stipulates that ground floor rear extensions to detached houses should not project more than 4m. However, Policy HDG1 only sets out general criteria rather than specific distances. That said, even if the HDG did include this specific criteria, this is guidance rather than development plan policy. Due to the context of this relatively large detached dwelling and the significant length of the rear garden, I consider that the rear extensions would not be unduly disproportionate to the host building or represent an over development of the site. As a rear extension it would not be readily visible from the public realm, and the single storey height of the rearmost projection would also limit its visibility. Within this context, I do not consider that the rear extensions would harm the character and appearance of the host building or the streetscene.
17. Notwithstanding my conclusions in respect of the rear extensions, I conclude that due to its scale, design and location that the proposed side 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 advice of the HDG in respect of design and appearance.

Other Matters

18. The Council indicates that the side 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 side extension is severable from the other elements and I have considered whether a 'split' decision could be issued.

19. However, I have identified harm to character and appearance as well as the living conditions of a neighbouring property arising from the side 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 side 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 side extension.

Conclusion

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

David Cross

INSPECTOR