



Appeal Decision

Site visit made on 18 November 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/N4720/W/25/3369999

65 Church Street, Kirkstall, Leeds LS5 3HZ

- 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 Alex Bazin against the decision of Leeds City Council.
 - The application Ref is 25/02736/FU.
 - The development proposed is conversion of basement to self-contained flat.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of basement to self-contained flat at 65 Church Street, Kirkstall, Leeds LS5 3HZ in accordance with the terms of the application, Ref 25/02736/FU, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 3031-01A – Survey Drawing, 3031-02B – Planning Drawing.

Main Issue

2. The main issue is whether the proposed development would provide satisfactory living conditions for future occupants, with regard to daylight and outlook.

Reasons

3. The appeal proposal relates to the basement of a mid-terrace property with a main south-easterly aspect. Access to the proposed basement flat would be via steps descending from the Church Street pavement to existing double entrance doors located in a projecting bay beneath and to one side of the main entrance steps to the ground floor level and family dwelling above.
4. At basement level, there is a modest garden area to the front of the property, while a small yard is situated at ground floor level to the rear. The proposed flat would not have direct access to the rear yard from within the dwelling. However, the proposal includes the subdivision of the rear yard to provide dedicated amenity space and bin storage for the proposed flat.
5. The proposed development would feature a kitchen and living room at the front of the property, benefitting from natural light through the fully glazed double entrance doors and a side window in the projecting bay. The Council has indicated that the doors and window would provide satisfactory levels of daylight and outlook to the living space, and I see no reason to disagree with this assessment.

6. To the rear, the proposed bedroom would benefit from an enlarged window, replacing the existing, small opening. This window would be clear glazed and would face onto a lightwell, resulting from partial excavation of the rear yard. The appeal proposal includes the subdivision of the yard, ensuring that the flat would have its own dedicated amenity space, separate from that retained for the main dwelling. This arrangement would provide outlook from and daylight to the proposed bedroom, and privacy for future occupants of the flat.
7. The rear yard has a generally northern aspect and is modest in size, enclosed by walls and fencing. As a result, the natural light reaching the proposed bedroom and the outlook from the enlarged window would be limited, not only by the boundary treatments but also by the presence of mature trees just beyond the site. However, these factors mean that daylight and outlook in rooms at basement or ground floor level are unlikely to be optimal in any case. Nevertheless, taking into account the proposed use of the room as a bedroom, I consider that the living conditions provided would be acceptable in this context. Furthermore, the proposal is modest in scale, discreet in appearance, and makes efficient use of existing residential floorspace in a sustainable location.
8. For the above reasons the proposed scheme provides satisfactory living conditions for future occupants, having particular regard to daylight and outlook to the proposed bedroom, protects privacy and ensures a functional internal layout. As such, the proposal accords with Policies P10 and H6 of the Leeds Core Strategy, 2019 and Policy GP5 of the Leeds Unitary Development Plan, 2006.

Other Matters

9. Reference has been made to a previous appeal which was dismissed for a similar proposal at this property. I have taken that decision into account. However, the current scheme differs materially from the earlier proposal, particularly through the enlargement of the bedroom window, the excavation of a lightwell, and the subdivision of the rear yard to provide a dedicated amenity space. These changes significantly improve daylight, outlook, and privacy for future occupants. On this basis, I am satisfied that the circumstances of the previous appeal do not lead me to a different conclusion in this case.
10. Concerns have been raised by third parties regarding the potential impact of flat conversions on the character and demographic of the area, as well as issues relating to parking and congestion. However, these matters have not been cited by the Council as reasons for refusal, and I have no substantive evidence before me to question the Council's conclusions on these points. Accordingly, I do not consider that these issues warrant withholding planning permission in this instance.

Conditions

11. To meet legislative requirements, a condition shall be imposed to address the period for commencement. For the reasons of clarity and certainty, I have imposed a condition that requires the development to be carried out in accordance with the submitted drawings.

Conclusion

12. For the reasons given above, the proposal accords with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development. I therefore conclude that the appeal should be allowed.

C Mayes

INSPECTOR