



## Report of the Chief Planning Officer

### PLANS PANEL NORTH & EAST

Date: 30 July 2015

**Subject: Planning Application 14/03383/FU – APPEAL by Mrs C Wood against the decision of Leeds City Council to refuse planning permission for a Part two storey part single storey rear extension at 16 Valley Terrace, Leeds 17.**

**The appeal was dismissed and the costs claim against the Council refused.**

#### Electoral Wards Affected:

Alwoodley

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

Members are asked to note the appeal and costs claim decision.

### 1.0 BACKGROUND

1.1 This application sought planning permission to extend 16 Valley Terrace to the rear with the addition of a part two storey part single storey extension (reference 14/03383/FU). The proposal was put before Members with an Officer recommendation to grant planning permission. However, Members resolved to not accept the officers recommendation and resolved to refuse permission on the grounds that the proposed development by reason of its overall mass, extent of projection and proximity to the common boundary with No.15 Valley Terrace would result in a dominant and overbearing form of development that would overshadow the adjoining property causing harm to the amenities of the residents of that property .

1.2 Submitted with the appeal was a costs application against the Council. The appeal was dealt with by written representations.

## **2.0 ISSUES IDENTIFIED BY THE INSPECTOR**

2.1 The Inspector identified the main issues to be:

- the effect of the development on the living conditions of the adjoining occupiers at 15 Valley Terrace, and
- the character and appearance of the host property and the surrounding area.

## **3.0 SUMMARY OF COMMENTS BY THE INSPECTOR**

### Living Conditions

- 3.1 The Inspector noted that the context of the surrounding area is predominantly residential, characterised by a mix of properties of varying designs, ages and types. The appeal site is a semi-detached bungalow which lies within a row of three pairs of properties of similar design all of which have been extended to the rear over time. No 15 adjoins the appeal property on its western side and has a rear conservatory and rear dormer.
- 3.2 The Inspector paid regard to the Householder Design Guide (2012) and noted that this SPD states that extensions which have too great an impact upon the amenity of the occupants of neighbouring dwelling will not be permitted. The Inspector commented upon the fact that the Council considered that the extension would meet the 45° guidance, the SPD advises that the code does not take account of all factors on site. As detailed within the Council's refusal reason the Inspector agreed that an extension of the proposed size and height, in such close proximity to the common boundary, would appear dominant and would have an overbearing effect on the residents of No.15 and as such would adversely affect the living conditions of those occupiers.
- 3.3 The occupants of No.15 commented that the proposal would block all morning sunlight until late morning from their south facing room and would reduce their level of privacy. The Inspector commented upon this and in her view although the proposal would cast a shadow onto No.15 early to mid-morning, it was considered that from the middle to latter parts of the day there would be good levels of sunlight to both the rear rooms and garden of No.15 and consequently, she did not consider the level of overshadowing caused would be sufficiently harmful to the living conditions of occupiers of No.15 to warrant dismissal of the appeal in this regard.
- 3.4. With respect to privacy regarding No.15, the Inspector noted that the upper floors of neighbouring properties to the west of No.15 and the veranda at the rear of the appeal property already have views across the rear garden of No 15. Given that there is already a degree of overlooking of neighbouring gardens and having regard to the height of the proposed boundary fencing, it was the Inspector's view that it was unlikely that the proposal would produce significantly more harmful overlooking than exists at present. Other residents raised concerns including loss of light and privacy to their properties. The Inspector having regard to the scale and siting of the proposal relative to neighbouring properties and based upon the evidence available to her, considered that the proposed development would not harm substantively the living conditions of any other neighbours.

### Character and Appearance

- 3.5 The Inspector noted that whilst the Council considered that there would be no adverse impact of the proposed extension on the character and appearance of the host property and the surrounding area, local residents did raise such concerns regarding the impact of the proposed extensions size and scale in relation to on the original bungalow and the

surrounding area. The Inspector noted that the proposed extension would result in substantial coverage of the rear elevation and would therefore appear bulky and would dominate the original dwelling. Although she did not find that it would appear unduly prominent in the street scene given its location the rear of the host property is clearly visible from a number of neighbouring properties along this stretch of Valley Terrace and due to the size, scale and height of the proposal, the style and character of the resultant building would appear at serious odds with that of the surrounding properties and would be out of keeping with the general character of other bungalows within the row.

### Costs

- 3.6 The application for costs relied to a substantial extent on the appellant's view that the Council's Planning Committee did not accept the recommendation of its Officers to grant planning permission. The Inspector noted that it is open to Members to reject the professional advice of the Planning Officers provided that there are reasonable grounds for doing so. The appellant claims that this was not the case and that the appeal application should not have been refused. In her findings the Inspector stated that the impact of a development on the living conditions of residents can be very much a subjective judgement and as such it is inevitable that opinion will vary and that this was the case in this instance.
- 3.7 She considered that the Council's reason for refusing the appeal application was sufficiently detailed to enable a clear understanding as to why a different view was reached to that of the Planning Officers and saw no reason to doubt that the Committee judged the proposal properly, and reached its decision against the background of a detailed Officer's report which included the planning history of the site and consultation responses. The Inspector also made note of the fact that a site visit was conducted by Members prior to making a decision and that in these circumstances and with this information before them, it is not unreasonable for Members to take a different view to Officers.

### Conclusions

- 3.8 In her conclusions the Inspector found that the proposal would appear overbearing and would have an unacceptable adverse effect on the living conditions of the occupiers of No.15 and would significantly harm the character and appearance of the host property and the surrounding area. As such the Inspector found that the appeal proposals would be in conflict with the objectives of Policy P10 of the Leeds Core Strategy saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (2006) and Policy HDG2 of the Council's Householder Design Guide. Moreover, the Inspector found the proposal to be in conflict with one of the core principles of the National Planning Policy Framework which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 3.9 The Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Policy Guidance had not been demonstrated.

### Decision

- 3.10 The appeal was dismissed and the cost application refused on 24th June 2015.

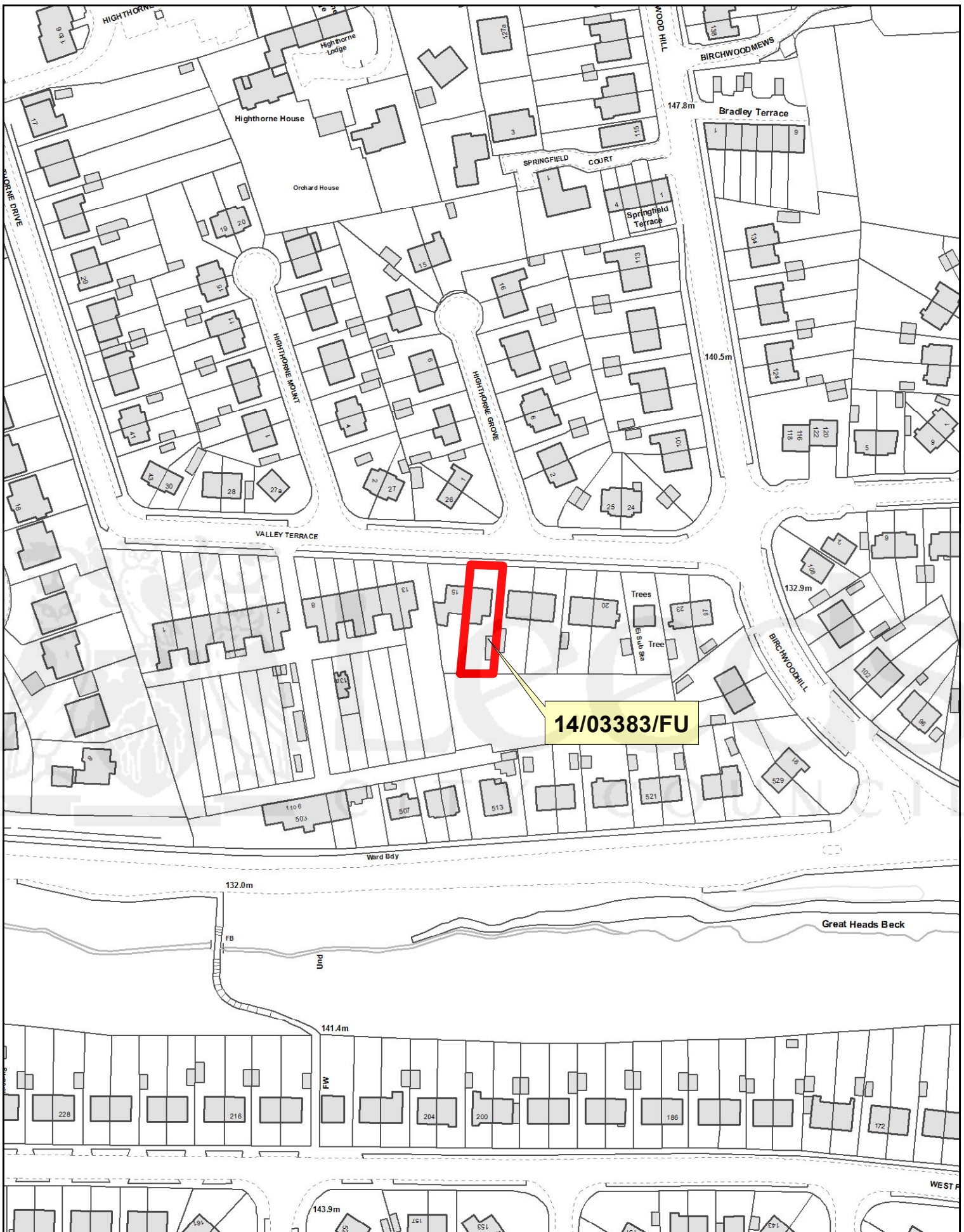
## **4.0 IMPLICATIONS**

4.1 The concern of Members of Panel, appreciated on site, have been supported by the Inspector in terms of the impact on the neighbours. It is also worth noting that whilst the extension would not be prominent within the streetscene, the fact that the rear extension can be appreciated from a number of properties to the rear was considered material by the Inspector and added to the harm resulting in the appeal being dismissed.

### **Background Papers**

Planning Application File

Inspector's Decision Letters



# NORTH AND EAST PLANS PANEL

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