



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 3rd December 2015

Subject: APPLICATION 15/00889/FU Appeal by Mr Gary Neilson and Mrs Kirsty Wilson against a decision to refuse planning permission for a single storey side and rear extension at 8 Kings Mount, Moortown, LS17 5NS

The Appeal was allowed

Electoral Wards Affected:

Moortown

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the appeal decision

1.0 BACKGROUND

1.1 The application sought planning permission to create a 'wrap-around' extension at number 8 Kings Mount to provide a single storey side and rear extension (reference 15/00889/FU), the application was reported to Plans Panel for determination due to the next door neighbour being a Ward Councillor who objected to the application.

1.2 The proposal was recommended for approval after amendments had been secured that minimised the impact of the single storey side extension on the amenities afforded a side window at number 6 Kings Mount and that served a kitchen, being the only window that directly served that kitchen due to the existence of a rear extension on that property. However Members resolved not to accept the officer recommendation and resolved to refuse planning permission on the grounds of the bulk and massing of the proposed extension having a detrimental impact on the amenities of occupiers of number 6 Kings Mount by reason of loss of outlook from and over bearing impact on the garden space of that property.

- 1.3 This decision was made following a site visit and an initial request by Members for officers to go back to the applicants and seek further reductions in the size of the extension. The applicants considered that they had compromised sufficient and that any further reductions would prejudice their aspirations for their property and therefore asked for the application to be determined as submitted at that time.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 The inspector identified one main issue that being the effect of the side extension on the living conditions of the occupiers of 6 Kings Mount in relation to outlook.

3.0 SUMMARY OF COMMENTS MADE BY THE INSPECTOR

- 3.1 The inspector identified that the policy context of his decision included policy P10 of the Core Strategy and Policy HDG2 of the Householder Design Guide. He identified that these policies seek to protect amenity both residential and general amenity through matters such as useable space, privacy, penetration of daylight and sunlight and prevention of excessive overshadowing, over-dominance or overlooking.

- 3.2 The inspector noted that there was a level difference between the two properties with number 6 being at a lower level than the application site and he noted that the kitchen to that property had a single window serving it that would originally have been a secondary window prior to the erection of the single storey dayroom and that the kitchen now benefits primarily from borrowed light from that room and that "the kitchen was a rather dark room where it was helpful to have the light on". He however concluded that the side extension as proposed "would have little impact on the level of daylight reaching the room". He further concluded that in regards to the proposed extension having a detrimental impact in terms of loss of outlook, that the permitted development rights enjoyed by the applicant were a consideration in that they "would allow the construction of the utility room element of the scheme".

- 3.3 The inspector then concludes that the extension would have a significant impact on views from the side window in the dayroom extension at number 6 but this is offset by the rooms other fenestration that outlooks over the rear garden of number 6 and a window on the opposite side of that room.

- 3.4 The inspector then turned his attention to the impact of the bulk and massing of the proposal and notes that the extension would rise some 4.0 metres above the ground level of number 6 Kings Mount but only project beyond the rear elevation of the extension at number 6 Kings Mount by 0.5 metres. From the rear garden of number 6 Kings Mount it would be seen against the setting of the original two storey house and he therefore concluded that it would not be "unduly overbearing in this context".

- 3.5 The inspector agreed with officer comments relating to the need to protect the amenities further of occupiers of number 6 Kings Mount should planning permission be granted and imposed a condition to remove rights to insert further windows in the side elevation of the extension facing number 6 Kings Mount. Other condition imposed were standard time limit of three years, the plans that were the subject of his decision and submission of materials to be approved.

4.0 IMPLICATIONS

- 4.1 No specific implications arise from this decision.

Background Papers:

Application files:

Certificate of ownership:



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