

---

**Report of the Chief Planning Officer**

**NORTH & EAST PLANS PANEL**

**Date: 9<sup>th</sup> March 2017**

**Subject: 15/06738/FU – Retrospective application for double garage with gym snooker and cinema rooms above Ling Beeches, Ling Lane, Scarcroft, Leeds.**

**The appeals were allowed.**

---

**Electoral Wards Affected:**

**Harewood**

☐ 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 following appeal decisions.

---

**1.0 BACKGROUND**

- 1.1 The planning application was recommended for approval by Officers, however Members of North and East Plans Panel resolved to refuse permission for reasons relating to the harmful impact the development would have upon the living conditions of the neighbouring dwellings by way of the loss of privacy, loss of sunlight and daylight; and by way of overdominance. It was also considered that the proposal, due to its scale and design, forms a disproportionate and unsympathetic addition when compared to the main dwelling. In light of the refusal of planning permission the Council served an Enforcement Notice requiring the demolition of the building. Appeals were lodged against the refusal of permission and the service of the enforcement notice.

**2.0 ISSUES IDENTIFIED BY THE INSPECTOR**

- 2.1 The key issues identified by the Inspector were the effect of the building on; first, the amenities of neighbouring residents, particularly those of 5 The Glade; and second, on the character and visual amenity of the area.

### **3.0 SUMMARY OF COMMENTS**

#### Residential Amenity

- 3.1 In the considering the impact upon the development of the on the privacy the adjacent dwellings, the Inspector noted that the subject building has a roof and a first floor and includes two east facing window openings that would offer views of the rear of the adjacent dwelling in particular No.5. The Inspector whilst acknowledging the suggestion made by the applicant that obscure glazing the windows would mitigate some of the overlooking concerns but the perception of being overlooked will remain. However, the Inspector noted that the plans show the eastern windows being blocked and accepts that this would overcome any concerns relating to overlooking issues. The Inspector imposed a condition that requires the building to be completed in accordance with the approved drawings.
- 3.2 The Inspector observed that a significant feature of the residential plot is the many mature trees within the site. Due to the prominent higher location of the trees, the Inspector noted that they cast a shade over the neighbouring residential properties in afternoon hours when the sun is setting in the west. The Inspector suggests that the subject building is also shaded by the trees and does not cast any shadow outside those cast by the trees. The Inspector concluded that the appeal building does not therefore result in any loss of sunlight or daylight at the residential properties to the east.

#### Character and Visual Amenity

- 3.3 With regards to the impact of the development of visual amenity, the Inspector noted that the appeal building is similar in size and bulk to the main dwelling. However, he did not find the subject building to be in direct competition to the main building; given the overall size of the plot in which it sits. Noting the differences in design of the subject building in relation to the design of the main dwelling, the Inspector states that there is nothing particularly offensive about its design to merit refusal of the appeal. The Inspector further states that the three dormers on the front of the building are symmetrically positioned, serve to reduce the bulk of the two storey building, and are not dominant or prominent.
- 3.4 The Inspector describes the design of the building as 'functional' and as being appropriate for its purpose ancillary to the residential use of the dwelling. The Inspector found that the ground vegetation on the site effectively screens the views of the subject building from Ling Lane and there are only glimpses of the building from other directions, such as from the dwellings to the east. Therefore, the Inspector concluded that the appeal building does not adversely affect the character or visual amenity of the area.

#### Conclusion

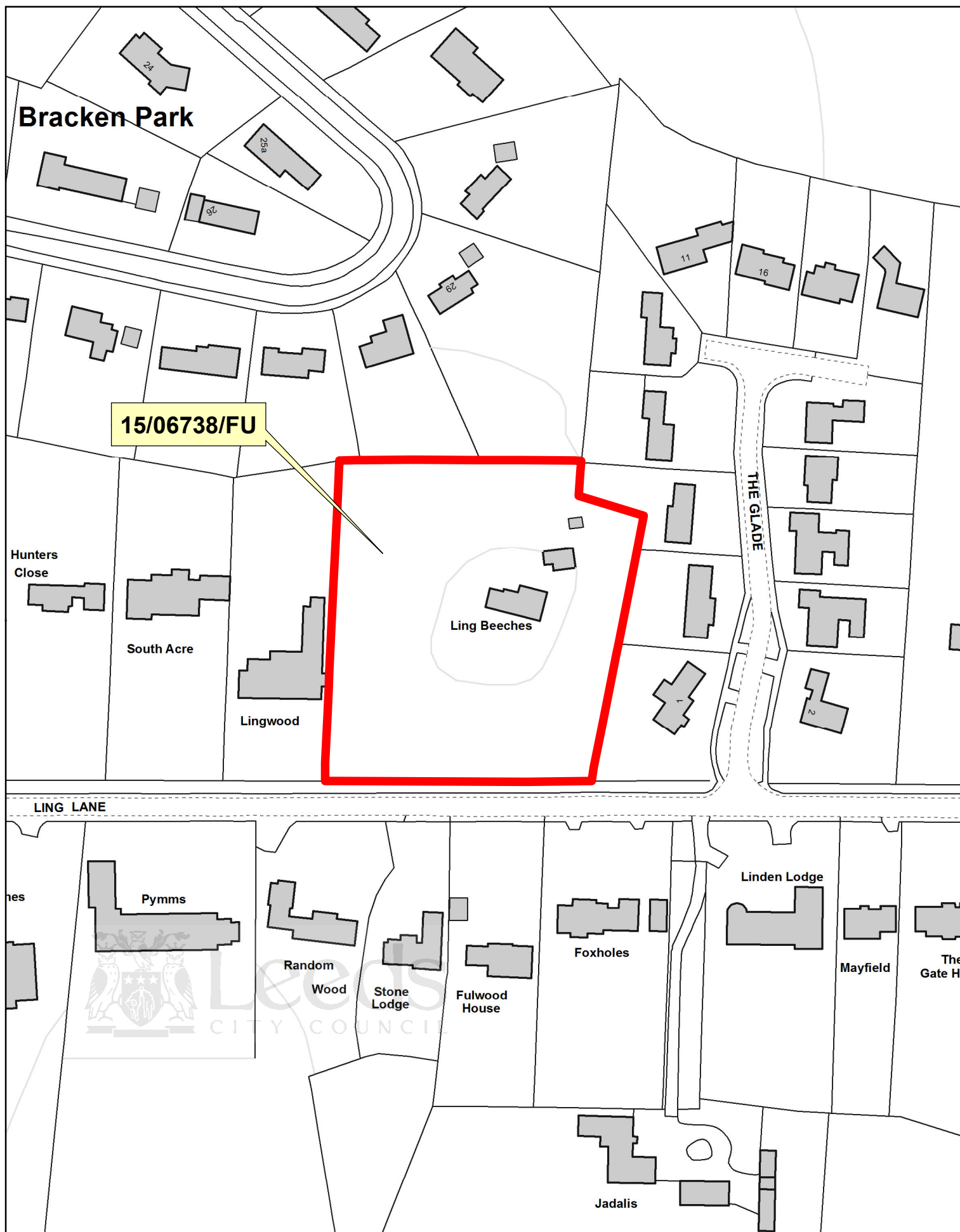
- 3.5 The Inspector concluded that the subject building does not cause any harm to residential amenity or to the character and visual amenity of the area.

### **4.0 DECISION**

- 4.1 The planning appeal was allowed subject to conditions by letter dated 1<sup>st</sup> February 2017. In light of his decision in respect of the planning appeal the Inspector quashed the enforcement notice and the enforcement appeal was allowed and planning permission therefore was granted for the building.

### **5.0 IMPLICATIONS**

5.1 There are no particular implications arising from this case.



# NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2016 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

