
Appeal Decision

Site visit made on 24 August 2016

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/W4705/C/16/3148129
27 Enfield Parade, Bradford BD6 3HX

- The appeal is made by Mrs A Khatoon under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 14/00690/ENFUNA) issued by City of Bradford Metropolitan District Council on 17 March 2016.
 - The breach of planning control alleged in the notice is the construction of a single-storey extension with an overhanging roof to the rear of the premises.
 - The requirements of the notice are to demolish the extension and remove from the premises all materials resulting from the demolition.
 - The period for compliance with these requirements is two months.
 - The appeal is proceeding on the ground set out in section 174(2)(a).
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the construction of a single-storey extension with an overhanging roof to the rear of 27 Enfield Parade, Bradford BD6 3HX.

Reasons for the decision

2. The Council's reasons for issuing the notice refer to its impact on the adjoining semi-detached property, 2 Enfield Walk, because of excessive overshadowing and an overbearing effect. At my site visit, I formed the view that no other neighbours were significantly affected and that the main issue in the appeal is whether occupiers of 2 Enfield Walk will experience overshadowing or an overbearing effect to an extent that justifies withholding planning permission.
 3. The notice states that the extension is contrary to Policies D1 and UR3 of the Bradford Unitary Development Plan and to the Householder Supplementary Planning Document ("SPD"), which was adopted in 2012. Policy D1 indicates that development should be well-designed and not harm the amenity of existing residents. Policy UR3 indicates that development will be permitted if it does not adversely affect the occupants of adjoining land. The Council have not identified which part of the SPD is relevant, but I assume it is Section 3, Part 3 Extensions to the Rear of Dwellings, which advises that single-storey rear extensions should have a maximum depth of 3m and be built using matching wall and roof materials and have matching eaves, gutters and downpipes.
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4. The extension has a pleasing appearance, having been designed with attention to detail and constructed using pebble-dashing that matches the walls of both the house and No 2. The roof tiles match those on the main roof of the house and the eaves, gutters and downpipes match those used elsewhere at the rear of the house.
5. The depth of the extension is about 3.3m and it has a roof overhang of about 0.7m. The maximum depth of 3m advised by the SPD has therefore been exceeded, but it does not seem to me that the extension has as a result failed to comply with Policies D1 and UR3. There will not in my opinion be significant overshadowing, since the extension is to the north-west of No 2 and will reflect some light towards No 2. There is some impact on the outlook from the nearest window of No 2, looking to the right, but I do not consider that the extension has an overbearing effect.
6. For the above reasons, I have concluded that there is insufficient justification to withhold planning permission for the extension. The appeal has therefore succeeded and planning permission has been granted. It has not been suggested that any planning conditions should be imposed in this event and I do not consider that any are required.

D.A.Hainsworth

INSPECTOR