

Appeal Decision

Site visit made on 11 October 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 19 October 2016

Appeal Ref: APP/W4705/D/16/3157059

43 St Aidans Road, Baildon, West Yorkshire BD17 6AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Fenton against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/03296/HOU, dated 26 April 2016, was refused by notice dated 21 June 2016.
 - The development proposed is conservatory to rear.
-

Decision

1. The appeal is allowed and planning permission is granted for conservatory to rear at 43 St Aidans Road, Baildon, West Yorkshire BD17 6AH in accordance with the terms of the application Ref 16/03296/HOU, dated 26 April 2016, subject to the following conditions:
 - a) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - b) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - c) The development hereby permitted shall be carried out in accordance with the submitted plans.

Main Issue

2. The main issue is the effect of the conservatory on the living conditions of the occupiers of the neighbouring property No 41 St Aidans Road taking particular account of outlook and light.

Reasons

3. The appeal house is a semi-detached property attached to No 41 St Aidans Road in a mainly residential street. The proposed conservatory would be very close to the shared boundary fence with No 41. It would be a simple lean-to design, with dwarf walls to the north (side), and west (rear) elevations, with a mainly full height wall to the south (side) elevation, closest to No 41, and an aluminium/glass roof.
 4. Policy UR3 of the Replacement Unitary Development Plan for the Bradford District 2005 and the Householder Supplementary Planning Document 2012 (the SPD) conform to the National Planning Policy Framework (the Framework)
-

in seeking to ensure that a good standard of amenity is provided for existing and future occupiers of land and buildings.

5. The conservatory would project some 3.7m from the overhanging first floor wall of the host property, which exceeds the 3m maximum guideline in the SPD. However, the conservatory would be to the north of No 41; the roof pitch is low and the conservatory would have a light weight roof and a glazed area in the part of the south (side) elevation furthest from the rear house wall. For the above reasons, I conclude that the proposed conservatory would not have so severe an effect on the outlook and light of the occupiers of No 41 as to justify withholding planning permission.
6. The proposed design would not be out of character with the host dwelling and would not affect the character or appearance of the area. For the above reasons I conclude that the proposed development would not conflict with Policy UR3, the SPD or the Framework.

Conditions

7. In the interests of proper planning it is necessary that the development should be carried out in accordance with the approved plans. In the interests of the appearance of the area external facing materials should match those of the host dwelling.

Conclusion

8. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should succeed.

SDHarley

INSPECTOR