
Appeal Decision

Site visit made on 23 November 2016

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 29th November 2016

Appeal Ref: APP/W4705/D/16/3156983
8 Hilton Grove, Bradford BD7 2DL

- 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 M Hanif against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/03423/HOU, dated 1 May 2016, was refused by notice dated 23 June 2016.
 - The development proposed is construction of first floor side and rear extension and single storey extension to rear side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of future occupants, with particular regard to outlook.

Reasons

3. The appeal site is a two storey semi-detached dwelling on a residential cul-de-sac. The area is predominantly residential in nature. The site backs onto properties fronting Horton Grange Road. There is only a narrow strip of rear amenity space between the ground floor of the appeal property and the common boundary with 133 Horton Grange Road.
 4. I saw that owing to the limited distance between No 8 and No 133, it would be necessary for there to be some form of obscured glazing in the first floor bedroom windows of the extension to ensure the privacy of neighbouring occupiers would not be unduly harmed. The Council's Householder Supplementary Planning Document (SPD) states that it is not desirable to have frosted glazing in habitable room windows unless the room has other clear glazed windows. The logic of this is to ensure an adequate degree of outlook from the room.
 5. The proposal is for the lower parts of the windows in the rear bedrooms, which are classed as habitable rooms, to have obscured glazing. The upper panes would be clear glass. The appellant argues that this means the windows do not fall foul of the SPD and that there would be an adequate outlook for occupants of these rooms.
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6. The only view of the outside world that the proposed windows would permit would be of the sky and possibly the roofline of nearby residential properties. In my view, this would not constitute a satisfactory standard of outlook for a habitable room. The large amount of obscured glazing in these windows would create an unacceptable sense of enclosure and confinement. This would tangibly diminish the quality of the interior environment to the material detriment of the living conditions of future occupiers. As a result, I do not agree with the appellant that the use of clear glazing in the top part of the windows would constitute any form of compensation or mitigation for the use of the obscured glazing in the lower part of the window. This would not resolve the issue of a lack of appropriate outlook from the only windows in the room.
7. The overall negative effect on living conditions is exacerbated by the obscured glazing being used in both rear bedrooms. Therefore, the poor quality of outlook would not be confined to a single room or set of occupants. I have noted the Council's concern that an existing bedroom in the house is already subject to obscured glazing. This has been disputed by the appellant. However, in any case, this issue would not alter my conclusion that the development would not provide an appropriate standard of accommodation.
8. I find therefore, that as a result of the above, there would be material harm to the living conditions of future occupiers of these rooms. Accordingly, there would be conflict with saved policy D1 of the Replacement Unitary Development Plan for Bradford (2005) and SPD which seek, amongst other things, to ensure development does not harm the amenity of prospective or existing residents. I also find that the development would not meet the requirements of paragraph 17 of the National Planning Policy Framework, which expects development to provide a good standard of amenity for all future occupants.
9. The appellant has questioned the inclusion of policy UR3 in the reason for refusal, as this relates to the effect on the amenity of neighbouring occupants only. I would agree that, in this regard, the development would not conflict with policy UR3. However, this would not outweigh my view that the development would still conflict with local and national policy.

Other matters

10. I have noted that the Council has not raised any concerns over any other aspect of the development. I saw nothing to suggest that I should disagree with their conclusions on these matters. However, this does not alter my overall view that there would be material harm to living conditions as a result of the development.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR