
Appeal Decision

Site visit made on 22 November 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 07 December 2016

Appeal Ref: APP/W4705/D/16/3157908

17 Jonathan Garth, Addingham LS29 0TD

- 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 J Shaw against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/03028/HOU, dated 15 April 2016, was refused by notice dated 13 June 2016.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the living conditions of the occupants of the neighbouring dwelling with particular regard to outlook and daylight.

Reasons

3. The appeal site forms a two storey stone faced semi-detached dwelling with a pitched tiled roof located in a residential cul de sac of similarly designed properties. The dwelling has an existing single storey rear conservatory extension and a single storey attached garage to the side.
 4. No. 15 Jonathan Garth forms a detached house lying north east of the appeal property. It is sited in an unusual position further back than the appeal dwelling where the existing outlook from the habitable room windows in the front elevation of the property, as assessed by the 45 degree line, is already undermined.
 5. The appeal proposes a first floor extension above the existing side garage to create further bedroom space. It would have an asymmetrical roof with a long sloping pitch to the rear roof slope accommodating a rear dormer. Design Principle 3 of the Council's Householder Supplementary Planning Document 2012 states that extensions should not dominate, seriously damage outlook or unacceptably reduce natural daylight reaching a neighbour's property. In the case of a two storey extension it is advised that it should not project beyond a 45 degree line taken from the edge of the nearest habitable room window of an adjacent house. However in this case, as I have already mentioned, this line is
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- already breached by the existing house. The key consideration in this appeal is therefore whether the proposal would make this existing situation worse.
6. Whilst acknowledging the asymmetrical roof form of the proposed extension, which assists to reduce the mass and height of the extension, it would still result in two storey development extending closer to the neighbouring property. I consider that this would result in an increased sense of enclosure to the ground floor lounge window and first floor bedroom window of No. 15. The outlook from these windows would be further diminished.
 7. The SPD also advises that two storey extensions should not normally project beyond a 25 degree line drawn from the middle of any opposite neighbour's habitable room window. This is to ensure adequate sunlight to habitable rooms. I note from the submitted plans that the appellant has tried to show that this is not breached by the proposal. However this assessment would be used when an extension is set in front of habitable room windows. In this instance it is not and therefore this is not relevant to the consideration of the proposal.
 8. In terms of overshadowing, I have not been provided with a sunlight/daylight report in order to assess the impact of the development. I am not satisfied by the evidence before me that the proposal would lead to a material reduction in daylight to existing habitable rooms in the neighbouring property. Nevertheless having regard to the height of the extension and the orientation of the properties I consider that there would be increased overshadowing to the front garden area of No. 15 Jonathan Garth. However this does not form a private amenity space where there would be a higher expectation of sunlight.
 9. I acknowledge and sympathise with the appellant's frustration that as a consequence of the unconventional relationship of the appeal property and its neighbour at No. 15, a two storey side extension similar to other dwellings in Jonathan Garth is difficult to achieve satisfactorily. The appellant has also brought to my attention the fact that the Council gave positive pre application advice but the application was subsequently refused. This is not a matter on which it would be appropriate for me to comment.
 10. In conclusion I consider that the appeal proposal would result in a reduction in the outlook from habitable room windows in the front elevation of the neighbouring property. The living conditions of the occupiers of this dwelling would therefore be harmed. The development would conflict with Saved Policies UR3 and D1 of the Bradford Replacement Unitary Development Plan 2005 which aim to ensure that all development proposals make a positive contribution to the environment and quality of life through high quality design. These policies are generally consistent with the National Planning Policy Framework in particular Paragraph 17 which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
 11. For the above reasons and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenfull

INSPECTOR