
Appeal Decision

Site visit made on 10 January 2017

by Thomas Shields MA DipURP MRTPI

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

Decision date: 17 January 2017

Appeal Ref: APP/W4705/C/16/3158927
21 Hampden Street, Bradford, BD5 0LB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Maqsood Begum against an enforcement notice issued by the City of Bradford Metropolitan District Council.
 - The enforcement notice was issued on 11 August 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a single storey rear extension on the property on the land as shown in the attached photograph.
 - The requirements of the notice are:
 - (i) Demolish the unauthorised single storey rear extension
 - (ii) Remove all resulting materials from the land
 - (iii) Make good any damage caused to the property as a result of compliance with the requirements of the notice
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended (the Act). Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

Main Issue

2. The main issue is the effect of the extension on the living conditions of occupiers of adjoining residential properties with particular regard to their outlook.

Reasons

3. 21 Hampden Street (No. 21) is an extended mid-terrace two storey dwellinghouse within a residential street.
4. The single storey extension erected to the rear occupies the full width of the rear elevation and adjoins the boundaries with Nos. 19 and 23 to a depth of approximately 3.5 metres. It projects well above the existing boundary wall with No. 23. Given its height, width and length the extension is a substantial rear addition to the existing dwelling house.

5. Having regard to the above factors I conclude that it appears as an overly large and out of scale extension which has an overbearing and harmful impact on the occupiers of No. 23, particularly so in respect of the outlook from their nearest ground floor window, and to a lesser degree with regard to the use of their rear external amenity area. As such, the extension conflicts with the guidance in the Council's SPD¹ and the requirements of Policy UR3 of the Replacement Unitary Development Plan, which, taken together, seek to ensure that extensions do not have an adverse effect on the outlook of occupants of adjoining land.
6. The aims and objectives of Policy UR3 and the SPD guidance are also consistent with the provisions of the National Planning Policy Framework (2012) which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
7. For all the above reasons the appeal on ground (a) fails and the appeal is dismissed.

Thomas Shields

INSPECTOR

¹ Local Development Framework for Bradford Supplementary Planning Document (2012) - Design Principle 3