
Appeal Decision

Site visit made on 14 February 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 28th February 2017

Appeal Ref: APP/W4705/D/16/3160111
99 Cumberland Road, Bradford BD7 2JP

- 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 Mohammed Amin against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/04491/HOU, dated 2 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is a single storey rear extension for disabled person.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension for disabled person at 99 Cumberland Road, Bradford BD7 2JP in accordance with the terms of the application, Ref 16/04491/HOU, dated 2 June 2016, and the plans submitted with it and subject to the following condition:
 - (1) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side facing elevations of the extension without prior written permission of the Local Planning Authority.

Procedural Matter

2. Prior approval was issued by the Council in 2014 for a rear extension at the appeal property. The extension that has been constructed is not fully in accordance with the plans that accompanied the prior approval application and the planning application which is the subject of this appeal was submitted retrospectively with a view to regularising the position.

Main Issues

3. The main issues are the effects on the character and appearance of the host property and surrounding area and on the living conditions of the occupiers of the neighbouring houses with regard to daylight and outlook.

Reasons

Character and appearance

4. As a rear extension to a mid-terrace house the development can be seen only from the rear alley between that terrace and the adjacent terrace on Harlow Road and from some of the rear windows and gardens to neighbouring houses.
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In these views the Cumberland Road properties appear very tall because their rear yards and the rear alley sit about 1.5 metre (m) below the internal ground floor level of the houses and because many of the houses have large, box dormer extensions at roof level. Hence, although it may be larger than other rear additions that can be seen from the alley, the extension to number 99 does not appear out of scale with the host property. Given that the terraces on both sides of the alley have pitched roofs, the use of a pitched roof does not render the extension either out of keeping with the host property or incongruous in the street scene within the rear alley.

5. The extension has been constructed in natural stone and, although this still has a new appearance, the colour match with the stone on the rear elevation of the terrace is acceptable. I note the Council's comments with regard to the coursing and accept that the block sizes are larger than those used in the construction of the host property. However, given that the property is not within a conservation area or other area of special control with regard to design, I do not consider this to be an unacceptable detail or that it marks the extension out as not being in keeping with the external appearance of the host dwelling. Neither did I see any evidence on my site visit of the poor quality construction which is referenced in the officer's report.
6. The extension projects to the rear boundary of the property but only part of that elevation is a solid wall, with this element being broken up by the access doors to the bin store. The rest of the rear elevation comprises a stairwell giving access to and from the house, which is protected from the elements by a roof canopy but which is open to the rear. This arrangement breaks up the scale and massing of the rear elevation and reduces its visual impact when viewed from the rear alley. In addition, the rear extension is seen in the context of the generous width (of about 3.5m) of the alley and the relatively deep rear yards to houses, particularly those on Harlow Road. When seen in this context the extension to the appeal property does not appear out of scale or over-dominant.
7. Accordingly, I find that the extension to the appeal property is neither out of keeping with the host property nor obtrusive or incongruous within the street scene comprised within the rear alley. As the public views of the rear extension are very limited I also find that the development does not cause any material harm to the character and appearance of the surrounding area. Hence, I find no conflict with saved Policy D1 of the Bradford Replacement Unitary Development Plan (UDP) which requires that all development proposals should make a positive contribution to the environment and should be well related to the existing character of the locality.

Living conditions

8. The extension fills the rear yard of the appeal property with its side elevations standing on the common boundaries with the adjoining houses at Nos 97 and 101 Cumberland Road. These houses have the same internal ground floor level as No 99 and have a number of steps up to their rear doors. As a result, the single ground floor window in their rear elevations is raised considerably above the level of the rear yard. Due to this juxtaposition, the rear extension to No 99 will read as single story rear addition when viewed from the rear ground floor windows of the neighbouring houses and a

significant part of its side elevation will be below the eye level of the viewer. The construction of that rear extension is, therefore, unlikely to have had any significant effect on the levels of daylight reaching those windows and the rooms that they serve or to appear as an overbearing feature causing detriment to the outlook from those windows.

9. The side elevations of the development will appear taller from within the yards to Nos 97 and 101 but their height is not so great as to represent an overbearing or oppressive structure when seen from either of those yards. Because of the width of the rear alley, and the depth of the yards of the Harlow Road properties, the occupiers of the adjoining houses enjoy a relatively open aspect from their rear yards. The rear extension to No 99 will appear at the edge of those currently open views but, in my judgment, does not have a significant effect on the outlook from the yards of the adjoining houses or on the neighbours' use and enjoyment of those private amenity spaces. It is notable that, even though the application was made retrospectively, no objections have been received from the neighbouring occupiers.
10. It is possible that the rear extension may, at certain times of the year, lead to some overshadowing of the rear yard to No 97. However, given the orientation of the properties, this is unlikely to be of a much greater degree than would have resulted from an extension constructed fully in accordance with the prior approval notice.
11. Accordingly, I find that the development does not conflict with saved UDP Policy UR3 which states that development will be permitted provided that it does not have an adverse effect on the occupants of adjoining land.

Other Matters

12. The proposal is described as a rear extension for a disabled person and I saw on my site visit the obvious benefits that the ground floor WC and shower room is likely to bring to the disabled members of the appellant's family. The consultation response from the Occupational Health officer confirms this benefit but indicates that the necessary adaptations could have been achieved by other means.
13. Accordingly, there is no specific health-related justification for the size and form of the extension but disability grant funding was used towards the cost of its construction. Any requirement to demolish or substantially alter the extension would remove, or at least significantly reduce, the value of that grant funding and represent a public disbenefit. It would also be very disruptive for the disabled members of the household. Neither of these considerations would justify a grant of permission against the provisions of the development plan but, in view of my findings that the development has caused no material harm or conflict with the UDP, they support my overall conclusion that the appeal should be allowed.

Conditions

14. As the application was made retrospectively there is no need for conditions relating to the standard timescale for implementation and compliance with the submitted plans. Because the extension projects to the common boundaries with the neighbouring houses there is, however, a need to ensure the privacy

of the occupiers of those dwellings over the long term. For this reason a condition has been attached which removes the usual permitted development rights with regard to the installation of windows, dormer windows or other openings in the side facing elevations of the rear extension.

Conclusion

15. For the reasons set out above and having regard to all matters raised I conclude that the appeal should be allowed.

Paul Singleton

INSPECTOR