
Appeal Decision

Site visit made on 27 February 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 13th March 2017

Appeal Ref: APP/W4705/D/16/3165359

23 Lawn Avenue, Burley in Wharfedale, Ilkley LS29 7ET

- 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 C Dent against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/08294/HOU, dated 7 October 2016, was refused by notice dated 29 November 2016.
 - The development proposed is demolition of outhouse and detached garage; proposed rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of outhouse and detached garage; proposed rear extension at 23 Lawn Avenue, Burley in Wharfedale, Ilkley LS29 7ET in accordance with the terms of the application, Ref 16/08294/HOU, dated 7 October 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing number 1603/A100/A Existing plans; and 1603/A101/A Proposed plans.
 - 3) 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.

Procedural Matters

2. Both parties agree that the proposed ground floor plan on drawing number 1603/A101/A is consistent with that of the elevational detail on the same drawing number in showing the extension up to the boundary with No 25 Lawn Avenue (No 25) and I have dealt with the appeal on this basis.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of number 25 Lawn Avenue with specific reference to outlook and light.

Reasons

4. The appeal property is a traditional stone built mid-terraced property built in a cottage style situated on the eastern side of Lawn Avenue. The property has an existing stone built outbuilding to the rear which adjoins a similar structure at
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number 21 Lawn Avenue (No 21). The property also has a detached timber garage to the rear.

5. It is proposed to demolish the existing garage and outhouse and construct an extension to the rear which would project from the main rear elevation by approximately 4.3m. A planning application¹ for a similar extension which would project from the rear elevation of the appeal property by approximately 3m was approved by the Council on 4 October 2016 ('the approved scheme'). There is no doubt that the planning permission would be implemented and the fall-back position thus attracts significant weight.
6. The Council's Householder Supplementary Planning Document (SPD) 2012 states that where a rear extension or conservatory is located close to a boundary with a neighbouring property, single storey extensions to terraced houses should not normally exceed 3m in depth in order to prevent neighbours experiencing unreasonable damage to outlook and unacceptable loss of light.
7. The appeal proposal would extend approximately 4.3m beyond the main rear elevation of the property, approximately 1.3m further than the approved scheme. The Council considered that the approved scheme would not have an adverse effect on the living conditions of the occupiers of No 25. However, the Council consider that the appeal proposal would overshadow and have an overbearing impact on the outlook from the rear facing ground floor window of number No 25.
8. Occupiers of No 25 currently have an outlook from this window to their rear garden. Peripheral outlook over the garden of the appeal property is restricted by the existing approximately 1.8m high fence which runs along the common boundary and which is covered by vegetation.
9. The proposal would enclose the shared boundary and the eaves would be higher than the existing fence. Whilst this may slightly reduce the peripheral outlook from the rear ground floor window of No 25 over the garden of the appeal property, views of their own rear garden would be retained. There may also be a slight reduction in light to the window; however, taking into account the presence of the existing fence, the orientation of the window of No 25 which faces in an easterly direction; and the single-storey nature of the extension, I consider that the effect would be minimal.
10. Both proposals would enclose the patio area of No 25 which lies adjacent to the rear elevation. Although the proposal would enclose a greater proportion of the northern boundary of the garden of number 25 than the approved scheme a significant proportion of their garden would, nevertheless, remain unenclosed. Furthermore, whilst the height of the ridge of the roof would be higher than the existing fence, the roof would slope down towards the eaves thus reducing the effect of the proposal.
11. On the basis of the plans and observations on my site visit, I consider that the element of the appeal proposal which would have most, albeit limited, effect on the ground floor rear window and patio area of No 25 in terms of outlook and light would be the section nearest the rear elevation and this effect would also occur with the approved scheme.
12. Although there is some conflict with the SPD, I consider that due to the particular circumstances of this case including the orientation of the windows, the presence of the existing fence and the sloping roof, that the proposal would not have a

¹ Planning application reference 16/06450/HOU

materially more harmful effect on the living conditions of the occupiers of No 25 than the approved scheme.

13. For the reasons stated above, I conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of No 25 with regards to outlook and light. The proposal would not, therefore, be contrary to saved Policy UR3 of the Replacement Unitary Development Plan (UDP) for the Bradford District 2005 which states that development will be permitted provided that it does not have an adverse effect on the surrounding environment or the occupants of adjoining land. Furthermore, no conflict arises with Policy D1 of the UDP which requires all development proposals to make a positive contribution to the environment and quality of life through high quality design, layout and landscaping and not harm the amenity of prospective or existing users and residents.

Other matters

14. Due to the location of the extension on the rear of the property, the variety of boundary treatments to the back street and the presence of existing extensions I do not consider that the proposal would have an adverse effect on the Burley in Wharfedale Conservation Area. Although the window to the rear elevation would be of modern design it would, nevertheless, have vertical proportions consistent with those of the host property.
15. The Parish Council consider that the removal of the garage would have parking implications for Lawn Avenue. However, I note that the existing garage is small and cannot easily accommodate a car. Consequently, the loss of the garage would not result in a materially greater effect on highway safety than the existing situation.

Conditions

16. The Council has suggested conditions which I have imposed subject to minor amendments to the wording in order to comply with the Planning Practice Guidance. In addition to the standard time limit (1) I have imposed a condition (2) specifying the relevant drawings as this provides certainty.
17. Finally, I have imposed a condition (3) requiring the materials to be used in the construction of the external surfaces of the extension to match the existing building in the interests of character and appearance.

Conclusion

18. For the reasons stated above and taking all other matters into consideration the appeal should be allowed.

Caroline Mulloy

Inspector