

Appeal Decision

Site visit made on 30 March 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 10th April 2017

Appeal Ref: APP/W4705/D/17/3168537

58 Silverhill Road, Bradford BD3 7JJ

- 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 Aurang Zeb against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 16/07426/HOU was refused by notice dated 26 October 2016.
 - The development proposed is the enlargement of existing kitchen extension and bedroom extension over.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 56, 80, 82 and 84 Silverhill Road with particular regard to outlook, visual impact and light.

Reasons

3. The appeal property is a semi-detached house that stands with its attached counterpart, which is 56 Silverhill Road, at right angles to the road within a predominantly residential area. A short residential terrace that includes 78-84 Silverhill Road backs onto the side of the site.
 4. The proposal is to widen the existing ground floor rear projection of No 58 so that it spans the full width of the main house and to add a first floor above it. A new mono-pitched roof would connect with the main house.
 5. Like the appeal dwelling, No 56 has a single storey rear extension with a lean to roof that is set back from the common boundary with the site. The main rear elevation of No 56 includes windows at both ground and first floor levels that from what I saw are likely to serve habitable rooms.
 6. Due to its height, rearward projection and proximity to the shared boundary with No 56, the new 2-storey flank wall would overly dominate the view from the ground floor rear-facing window of this attached property, which is hereafter referred to as the window. It would also result in a significant loss of sunlight to the window and the rear garden to No 56 later in the day especially during the winter months when the sun is lower in the sky. The effect of
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overshadowing would accentuate the visual impact of the new development, causing it to feel oppressive when seen from the window and the back garden of No 56 closest to the main house. The Council also states that the new built form would project beyond a line drawn at 45 degrees from the window, which reinforces my view with regard to the harmful effect of the appeal scheme.

7. The rears of Nos 80 and 82 include small yards and the rear elevations of these dwellings are very close to the site. A single storey extension covers the yard at No 82 and the rear-facing first floor windows in that dwelling appear to only serve a landing and bathroom. Nevertheless, while these windows appear to serve non-habitable rooms, the occupiers of Nos 80 and 82 will still rely on them to provide natural light into the rear of their house. Furthermore, in my experience, the use and attractiveness of outdoor space can also be influenced by the amount of sunlight and daylight reaching it even where gardens are small and provide a limited outlook for users.
8. The new first floor addition would substantially enclose the rears of Nos 80 and 82, reducing the outlook from each of these properties to an unacceptable degree. The new built form would also significantly reduce the natural light reaching the main rear windows of Nos 80 and 82 and their rear yards during the early part of the day primarily given its position just to the northeast. From what I saw, the proposed extension would also be sited uncomfortably close to the rear of No 84. In views from the rear of this dwelling, the scale and position of the new rear wall would cause it to have an overly imposing presence on the occupiers of this nearby property. There would also be an appreciable loss of natural light to the yard and rear windows of No 84 as a result of the proposal.
9. On the main issue, I therefore conclude that the proposed development would cause unacceptable harm to the living conditions of the occupiers of Nos 56, 80, 82 and 84. Accordingly, it conflicts with Policies D1 and UR3 of the Council's Replacement Unitary Development Plan insofar as they aim to safeguard residential amenity. It would also be contrary to Design Principle 3 of the Council's Householder Supplementary Planning Document, which states that extensions should not over dominate, seriously damage outlook or unacceptably reduce natural daylight reaching any neighbours' property.
10. The appellant states that the extension would enable a larger bedroom to be provided that would benefit a relation who is disabled, with reference made to a supporting doctor's letter. I am sympathetic to this desire. However, personal circumstances seldom outweigh more general planning considerations. In this case, the proposal, once built, would be likely to subsist for many years to come. This consideration does not outweigh the harm that I have identified.
11. The appellant states that he owns No 56 and that the current occupier is a member of his family. However, my assessment takes into account the living conditions of future as well as current occupiers of this adjacent property.
12. Overall, for the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR