

Appeal Decision

Site visit made on 3 May 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 01 August 2017

Appeal Ref: APP/W4705/D/17/3169203

8 Waverley Road, Bradford BD7 3HT

- 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 Mrs Kalsoom Begum against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 16/08981/HOU, dated 16 November 2016, was refused by notice dated 5 January 2017.
 - The development proposed is a single storey extension to rear of property to accommodate disabled facilities.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 8 and 10 Waverley Road with regard to light and outlook.

Reasons

3. The proposal would replace the existing part-width rear extension with a full width rear extension that would extend further to the rear and would have a raised landing and stairs beyond.
 4. The existing extension was permitted in 2002, reference 02/01185/FUL. The plans show the provision of a large bathroom within the extension. The works have had a considerable impact on the living conditions of the residents of 6 Waverley Road. The extension has reduced both light and outlook from the nearest rear window and door and it is overbearing when in the rear yard. The correspondence and officer report relating to that decision explain that it was accepted on the basis that it provided essential facilities for the disabled child of the neighbouring residents. On balance, this concern was found to outweigh the harm with regard to the living conditions of the residents of number 6 and the conflict with the Council's guidance.
 5. The plans now submitted illustrate that the space previously shown as being for a bathroom, is currently utilised entirely as a kitchen. No bathroom facility is shown. This proposal would result in space for a bathroom of similar dimensions to that previously permitted and for the retention of a kitchen area within the larger extension.
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6. The proposed extension would result in a marginally greater impact on the residents as 6 Waverley Road with regard to light and loss of outlook as it would extend further along the boundary. However, I have greater concerns with regard to the raised rear access as this would allow for views back towards the rear windows of the adjacent property and over the entirety of the rear yard. This would result in a significant reduction in privacy and would represent poor design.
7. Unlike the existing extension, this proposal would be built up to the side boundary with 10 Waverley Road. It would have a substantial depth along the boundary and its perceived height would be greater than would normally be expected for a single storey extension because of the changes in ground levels. The main rear facing ground floor window of the neighbouring property is set away from the boundary but given the substantial depth of the proposal, it would significantly reduce outlook from that room. When using the rear door, the new structure would also be overbearing. This would similarly be the case when within the rear yard but as this area is currently used for parking, the impact on the living conditions of the neighbouring residents from enclosing it further, would be more limited.
8. The light levels within the nearest room of the neighbouring property would remain acceptable because of the distance of the window from the extension. As the rear of the property faces north-east and given the scale of the existing extension, there would be little impact on direct sunlight. Privacy is already limited within the yard due to the position of the steps serving the permitted extension. Although light levels and privacy would remain unchanged, the proposal would result in unacceptable harm to the living conditions of the residents of 10 Waverley Road with regard to loss of outlook from the rear facing window and the rear door.
9. Overall, the proposal would reduce the outlook from the rear facing room within 10 Waverley Road. The impact of the high boundary wall when leaving that property and when within the rear yard would also be significant. With regard to the residents of 6 Waverley Road, increasing the scale of the works would reduce their amenities further but of greater concern would be the loss of privacy resulting from the introduction of the raised platform which would adjoin the boundary. The proposal would conflict with Policies UR3 and D1(8) of the Replacement Unitary Development Plan 2005 as these seek to avoid harm to the amenities of residents. As these policies generally accord with the aspirations of the *National Planning Policy Framework*, I afford them considerable weight.
10. The Council's Householder Supplementary Planning Document 2012 (SPD) seeks to limit the depth of ground floor rear extensions to 3 metres in relation to terraced properties in order to protect the outlook of neighbouring residents. The proposal conflicts with this guidance. However, section 7 of the SPD advises that people with limited mobility as a result of physical or mental disability often require a house extension to ensure that they can continue living in their own home and thus avoid the often distressing need to move home or otherwise seek alternative accommodation. If a house extension is necessary to meet the needs of a person of physical or mental disability but it conflicts with the Council's design principles, the SPD advises that an exception should be considered if there is no suitable alternative solution.

11. It is reported that the occupational therapist has indicated that an internal solution would be practical to meet the needs of the disabled child who is now nearing adulthood. This was not the case when the previous permission was granted. The appellant does not agree with the assessment and suggests that the greater amount of space is needed to satisfy building regulation requirements. It is clear from the original plans that the existing extension can accommodate the bathroom requirements that are now being sought. No evidence has been provided to indicate that this does not remain a practical solution. Whilst the existing kitchen space would be lost, the purpose of the original extension was not to provide such an additional facility.
12. I am mindful of the requirements of Section 149(1) and (3) of The Equality Act 2010 and the need to remove or minimise disadvantages and to take steps to meet the needs of persons who have a relevant protected characteristic. I am satisfied that the requirements of the SPD should be relaxed if no alternative solutions are available. The benefits of the improved accommodation to the disabled child and his carers should also be weighed against the harm to the neighbouring residents. However, no evidence has been provided to suggest that the original solution, which was accepted, despite it detracting from the amenities of the neighbouring residents and conflicting with the Council's guidelines, would not provide the bathroom facilities that are now sought. In these circumstances, the benefits of the proposal are not sufficient to outweigh the concerns that I have identified with regard to the living conditions of the neighbouring residents.
13. Reference has been made to other decisions within the area. However, I have been provided with no information in relation to these matters and I cannot therefore assume that the Council has acted inconsistently in these circumstances.
14. I note that no objection has been lodged by the residents of number 10, although that is not conclusive evidence that the changes in living conditions within that property, would be acceptable with the new structure in place.
15. In conclusion, I afford considerable weight to the needs of the appellant's son and the need to ensure that the facilities available allow the family to provide the necessary care required. However, I must weigh this against the impact on the living conditions of the neighbouring residents in light of the evidence of the previous application that illustrated that such facilities can be provided within the existing structure. I am unable to establish that the benefits of this proposal are substantially greater, with regard to the provision of the care necessary, than the scheme already approved which if implemented as permitted, could be used without further harm to the living conditions of the neighbouring residents. I conclude therefore that the benefits to the appellant and her family are not sufficient to outweigh the concerns with regard to the living conditions of the neighbouring residents. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR