
Appeal Decision

Site visit made on 1 August 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 16th August 2017

Appeal Ref: APP/W4705/D/17/3175062
26 Carr Lane, Bradford BD12 0QS

- 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 Tehmina Masud against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 17/00440/HOU, registered 27 January 2017, was refused by notice dated 18 April 2017.
 - The development is the construction of a granny annex to the rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a granny annex to the rear garden at 26 Carr Lane, Bradford BD12 0QS in accordance with the terms of the application, Ref 17/00440/HOU, registered 27 January 2017, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 677TM Location Plan; 677TM 02 Site as Existing Proposed Granny Annex; and 677TM 03 Site Plan.
 - 2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 26 Carr Lane, Bradford BD12 0QS.

Procedural Matters

2. On 18 July 2017, the Council adopted the Local Plan for the Bradford District Core Strategy Development Plan Document (Core Strategy). The Council has stated that 'Saved' Policies D1 and UR3 of the Replacement Unitary Development Plan for the Bradford District (2005) have been replaced, by Strategic Core Policy SC9 and Policies DS1 to DS5 of the Core Strategy. I shall consider the appeal accordingly.

Main Issue

3. The main issue is the effect on the living conditions of the occupiers of 33, 35 and 37 Markfield Crescent, and 24 and 28 Carr Lane, by way of visual impact and outlook.

Reasons

4. The annex is sited to the rear of the appeal property, at the end of the driveway and adjacent to the remaining rear garden. At the time of my site

- visit, the external structure was largely complete, including the walls, the roof, the external materials and the positioning of the openings. Windows and doors had yet to be installed and internal works had not commenced.
5. The annex lies close to the boundary with No 35, to the rear, which is defined by a close boarded fence of a height of approximately 1.8m. Beyond the boundary are No 35's garage and its rear garden area, which is at a level approximately 0.5m higher than the appeal site. No 35's conservatory provides direct access to its garden by way of french doors. The nearest boundaries with the remainder of adjacent properties are formed by garages or close boarded fencing.
 6. The majority of the annex is sited to the rear of No 35's garage, which affords a degree of screening and lessens the visual impacts of the structure. Where the annex extends close to the boundary fence with the garden, due to the difference in levels, the eaves is not significantly set higher than the top of the fence. The roof then slopes away from the boundary up to the central roof ridge. This takes the massing of the annex away from No 35 to further limit its visual impacts.
 7. Although the roof slope and part of the side wall of the annex are still clearly visible from No 35's rear garden and the conservatory, this does not constitute an overbearing or imposing form of development, with the siting, height and scale of the annex. A reasonable outlook is still maintained from the rear of No 35.
 8. The annex is sited well off the boundary with No 33, and separated by No 35's intervening garden, along with the associated boundary enclosure. No 37's garage separates the annex from its rear garden. The positioning of the annex to these properties is as such that the effect on visual impact and their outlook is not unreasonable.
 9. No 28's garage is sited alongside the annex and so only the upper reaches of the gable end wall of the annex is visible over the garage, along with the front which is viewed at an angle from the side of the property. The siting of the garage also diminishes visual impacts from the height of the annex on its front elevation. The annex is also well separated from the boundary with No 24.
 10. With the external structure being largely complete, significant effects would not arise from the works that are yet to be carried out in respect of visual impact and outlook.
 11. I conclude the annex would have an acceptable effect on the living conditions of the occupiers of 33, 35 and 37 Markfield Crescent, and 24 and 28 Carr Lane, by way of visual impact and outlook. Of the policies the Council cite from the Core Strategy, the annex would comply with Policy DS5 which states that development should not harm the amenity of existing residents. It would also comply with Policy SC9 as far as, in broad terms, it is relevant to the protection of the living conditions of the occupiers of neighbouring properties. Policies DS1 to DS4 are concerned with character and appearance, and therefore are of limited relevance to the main issue.

Other Matters

12. The proposed windows, when installed, would face towards the boundary fence with No 24 or be orientated down the driveway towards the road. The annex

would not therefore result in a significant level of overlooking, and privacy levels of adjoining occupiers would be adequately protected. With its siting and height, it also does not result in significant effects caused by overshadowing. As it would be brought into use as ancillary domestic accommodation to the existing residence, noise levels would not likely cause undue disturbance.

13. I am aware of comments about size of the annex compared to a previous garage on the site; the accuracy of the original plans; potential lesser effects from flat roofed outbuildings; and the differences from what has been built compared to the previously approved annex (Council ref: 16/06984/HOU) and the resultant changes in the effects on the living conditions of adjoining occupiers. I have though considered the appeal on the basis of what is before me and I have found the annex to be acceptable with regard to the relevant planning issues. Effects on living conditions are a matter which is specific to each proposal and circumstances, so my decision would not set an undue precedent. The annex has also been sited a sufficient distance in from the boundary with No 35 for guttering in respect of providing for drainage. None of these matters alter my conclusions.

Conditions

14. I have imposed conditions necessary in the interests of certainty as the annex is not complete (1) and so that a separate residential unit is not formed in order to protect the living conditions of adjoining occupiers of properties (2). I have not imposed a condition concerning the materials used in the external surfaces, as the wall and the roof materials are already in place, and are acceptable with regard to the effect on the character and appearance of the area.

Conclusion

15. I conclude the appeal should be allowed.

Darren Hendley

INSPECTOR