



Appeal Decision

Site visit made on 8 July 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/W4705/D/19/3226858

96 Kings Road, Ilkley, West Yorkshire, LS29 9BZ

- 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 Dr Aidan Bartholomew against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 18/05000/HOU, received 18 November 2018, was refused by notice dated 5 February 2019.
 - The development proposed is the provision of enlarged kitchen with master bedroom over, reroof garage to accommodate study, small front extension to garage and new porch, and extending drive and forming turning area to front drive, plus ancillary garden works to rear.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues under consideration in this appeal are the effect of the proposed works on the character and appearance of the host dwelling and the streetscene, and the effects on living conditions of neighbouring residents with particular regard to loss of privacy and overlooking.

Reasons

Character and appearance of the host dwelling and streetscene

4. The appeal site comprises 96 Kings Road, a detached, two-storey dwelling with attached double-width garage and elements of stone and render facing walls to the principal elevation. The front of the dwelling includes a long driveway and lawn, while the back has a larger garden which dips in level to the rear. The area is characterised by these detached, executive style houses on large plots, with off-street parking and a mixture of tree and hedgerow lined gardens making it a quiet and attractive suburban area with a strong sense of place.
5. The proposal includes several components, as described in the description taken from the application form above, but broadly comprises a two-storey side extension over and beyond the attached garage, small extensions to the front

porch and garage and other ancillary works including an extension to the paved driveway and landscaping to the rear to level the garden. The side extension is wider to the rear, incorporating a new kitchen/dining space, while the first floor to the rear includes a projecting balcony.

6. The ridge of the extension is slightly set down from that of the host building but is otherwise of an unsuitable scale and design, lacking a sense of subordination or cohesion. The introduction of a second ridge behind that of the main roof lacks consistency, as does the eaves of the extension set below that of the host property. With the forward projection of the garage and extension beyond the rear wall coupled with the increased width beyond the current eastern elevation, the extended section of the house would appear overly large in scale and not subordinate to the original dwelling.
7. The works affecting the principal elevation would be visible from the streetscene, in particular the side extension and porch and garage extensions. These additions would dominate the host dwelling when viewed from the street and would not sit well in relation to the character of the area given the scale of the extension and unsympathetic design. This is contrary to the principles of the National Planning Policy Framework (the Framework) which seeks high quality design, and through paragraph 127 states decisions should ensure developments will function well and add to the overall quality of the area, while also being sympathetic to local character. Providing more detailed guidance, the Householder Supplementary Planning Document (the SPD) advises two-storey extensions will normally require a 1 metre set back behind the front wall of a house, with a corresponding lowering of the roofline. The SPD also seeks to maintain the original house as dominant and all extensions should appear as sympathetic additions.
8. The appellant has drawn my attention via photographs to numerous other examples of similar developments in the area, some of which I did note during the site visit. Of particular note given their proximity to the appeal site were the extensions to No's 90 and 100 Kings Road, which both extend over the garage to the side. I have nothing of detail on these developments, such as plans; however, from my observations on site and the photography submitted by the appellant, they differ from the proposal in that they preserve the dominance of the host property, primarily through their suitable scale but also being clearly set down from the existing ridge line and in the case of No.90 also being set back from the front elevation. Broadly speaking, the other examples offered by the appellant follow these principles in allowing the host dwelling to remain the dominant feature.
9. I would therefore conclude the proposal would have a harmful effect on the character and appearance of the host property and the streetscene, contrary to the design aims of Framework and guidance of the SPD. While I acknowledge that there may be private benefits to expanding the family's home to accommodate extra work and living space, I am not convinced this could not be achieved with a form that would better compliment the host property. Moreover, this benefit would not outweigh the harm identified. Consequently, the proposal would be contrary to policies DS1 and DS3 of the City of Bradford Core Strategy Development Plan (CSDP), which seek, among other aims, development to respond to existing positive patterns of development which contribute to the character of the area.

Living conditions

10. The Council has expressed concern regarding overlooking and a loss of privacy resulting from both the proposed balcony at first floor level upon 11 Beverley Rise and the levelling of the rear garden upon 98 Kings Road and 11 and 15 Beverley Rise. The officer report references a distance of 6.2m from the balcony extent to the rear boundary shared with 11 Beverley Rise, with a further 17m from this point to the house itself. This distance does not appear to be disputed between the parties.
11. The SPD advises a distance of 7m should be maintained between a balcony and shared boundary, with 17m retained from the boundary to the dwelling in question. While the distance from the balcony to the northern boundary falls below the advised limit, the two properties are divided by a row of mature, tall conifers which appear from the plans submitted to be on the side of 11 Beverley Rise. This would maintain the resident's privacy given their height and the fact they are evergreen, along with control as any pruning or felling would be at their discretion.
12. The garden level of the appeal site descends steeply to the north. The proposal includes the levelling of the garden by raising it 1.2m at the northern extent to bring it in line with the level experienced at the rear elevation of the dwelling. The Council has concern regarding this levelling causing impacts upon 11 and 15 Beverley Rise, as well as 98 Kings Road. The aforementioned conifer lined boundary to the north would provide ample screening at ground level to negate any impact from raising the garden by 1.2m, and I would disagree that there would be overlooking and a loss of privacy to the two houses to the north.
13. The boundary between the appeal site and No.98 Kings Road is lined by thick shrubbery, and while raising the garden level at the northern end of the site could afford views into the next-door garden at this end, it would be no higher than it is when viewed from the southern end of the garden at present. Views into neighbouring gardens from ground level are not uncommon and I would disagree this would adversely affect the living conditions of the occupiers of this property.
14. I conclude the development would not harm the living conditions of neighbouring residents, and in this sense the proposal would accord with policy DS5 of the CSDP and paragraph 127(f) of the Framework which seek to protect the amenity of prospective and present occupiers.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth INSPECTOR

