



Appeal Decision

Site visit made on 8 October 2019 by L Wilson BA (Hons) MA

Decision by C Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/W4705/D/19/3233074

40 Speeton Avenue, Bradford, BD7 4NQ

- 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 Safia Anees against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/01706/HOU, dated 16 April 2019, was refused by notice dated 11 June 2019.
 - The development proposed is a two storey side and part two storey and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side and part two storey and single storey rear extension at 40 Speeton Avenue, Bradford, BD7 4NQ in accordance with the terms of the application, Ref 19/01706/HOU, dated 16 April 2019, 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: labelled sheet 1 dated 19/12/2018 and labelled sheet 2 dated 19/12/2018.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plans labelled sheet 1 dated 19/12/2018 and labelled sheet 2 dated 19/12/2018.

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.

Procedural Matters

3. The description of development in the banner heading above is based on the appeal form rather than the application form as it provides a more accurate description. The appellant's name has also been taken from the appeal form.

Main Issue

4. The effect of the proposed extension on the living conditions of the occupants of no. 38 Speeton Avenue, with particular reference to outlook and light.

Reasons for the Recommendation

5. No.40 is a two-storey semi-detached property with an existing conservatory to the rear. The street scene on this side of Speeton Avenue has a strong rhythm with dwellings set back from the highway behind a large grass verge and separated by driveways.
6. The Council's Householder Supplementary Planning Document (SPD) sets out guidance to ensure extensions do not have an adverse impact upon the living conditions of neighbouring occupants. The SPD states single storey rear extensions to a semi-detached house should not normally exceed 3 metres in depth. The SPD also advises that two storey extensions should not normally project beyond a 45-degree line taken from the edge of the nearest habitable window of the adjacent property.
7. The proposal would replace the existing conservatory and result in an extension projecting approximately 4m. The recommendations within the SPD are guidance, as opposed to a fixed policy requirement, and the document itself recognises that strict application of the guidance will not be appropriate in all circumstances and that a level of judgement will be required when considering individual proposals.
8. The Council consider that the proposal would overshadow and have an over dominating impact upon the adjoining property. No. 38 has an existing conservatory measuring approximately 3m in depth. The proposed rear extension would only project approximately 1m beyond the adjoining property's conservatory. The solidity of the brick side wall would undoubtedly have some impact when viewed from the rear of No.38 and would block out more light than the existing conservatory at the appeal site on account of the increased solidity and size of the structure. However, it is not unusual for single storey side extensions, fences or hedges to abut neighbouring boundaries and the Council would appear to have no objection to a similarly solid extension, albeit with a depth of 3m. The neighbouring conservatory would still receive adequate daylight and sunlight through the roof and the glazed external walls and the proposal would not reduce levels of light or outlook beyond what could reasonably be expected, notwithstanding its depth of 4m.
9. The two-storey element of the extension would be stepped in sufficiently from the boundary and the drawings demonstrate that it would accord with the 45-degree rule. Therefore, due to no. 38's existing extension, and the proposed two-storey element being stepped in from the boundary, the proposal would not result in a significant reduction in daylight and sunlight reaching the rear of no. 38 nor have a dominant visual effect upon its outlook.
10. An interested party has highlighted that the property has been unoccupied since December 2018 and access to their land would be required for construction purposes. These matters have little bearing on the planning merits of the case and the granting of planning permission would not override any legal rights of access in relation to neighbouring land which is a private matter.

11. For the reasons above, I find that the proposed extension would not have an adverse effect on the living conditions of no. 38 with regard to outlook and light. Consequently, it would not conflict with Policy DS5 of the Local Plan for the Bradford District Core Strategy Development Plan Document (2017), the SPD and the National Planning Policy Framework.

Conditions

12. I have considered the conditions recommended by the Council, having regard to guidance found in the Planning Practice Guidance. Conditions 1 and 2 are necessary for certainty and to ensure that the development is carried out in accordance with the approved plans. In the interest of visual amenity, a condition relating to materials is required.

Conclusion and Recommendation

13. For the reasons given above, I recommend that the appeal should be allowed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be allowed subject to the conditions attached.

C Preston

INSPECTOR