
Appeal Decision

Site visit made on 27 November 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/W4705/D/19/3233728

51 Wyvil Crescent, Ilkley LS29 8ND

- 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 Damion Kirkbride against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/01917/HOU, dated 30 April 2019, was refused by notice dated 26 June 2019.
 - The development proposed is: Rear single storey and double storey extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the site visit I was unable to gain entry to the rear garden area of the property where the extension is proposed. However, there is an area of green to the rear of Wyvil Crescent from where I was able to view the backs of the appeal property and the neighbouring house. Given that the reason for refusal concerns the impact of the first floor part of the proposal I was able to proceed with the site visit.

Main Issue

3. This is the effect of the proposed first floor extension on the living conditions of the neighbouring property, no 49 Wyvil Crescent.

Reasons

4. The appeal property is semi-detached and located within a suburb of Ilkley. The property faces approximately south and has a ground and first floor extension to the rear. The proposal would provide further rear extensions to a bedroom at first floor and a snug at ground floor.
5. The crux of the dispute is whether the first floor extension would cause unacceptable harm to the living conditions of the occupiers of no 49. The extension would be built up to the party line between the 2 properties and would project approximately 3.5m beyond the rear elevation. There is a first floor bedroom window in no 49, located a short distance from the boundary.
6. The Council has referred to increased shadowing on the neighbouring property, although given the northerly aspect of the rear of both properties this would not be affected in any significant way. However, the outlook from the neighbouring bedroom window would be severely limited by the presence of

the proposed side wall of the extension. I acknowledge that the neighbour has no objection to the proposal, and at the time of my visit there were blinds in place in the affected window. However, future occupiers of the neighbouring house may consider that the relationship between the 2 properties, if the proposal were to proceed, as unsatisfactory and that the outlook from the bedroom window unduly limited.

7. It has been suggested that the Council's Local Development Framework Householder Supplementary Planning Document (the SPD) is outdated due to its link to the previous development plan. However, the principles set out in the SPD are advocated by many planning authorities, in particular with regard to the application of a 45° guideline as an indicator of whether impacts on outlook from neighbouring windows would be acceptable. Based on my experience, I am aware that the definition of a habitable room to include bedrooms can vary between planning authorities. However, the Council's SPD is clear that bedrooms come within the definition and I am not persuaded by the suggestion that they should be treated differently since they are mainly used at night. In the case of the appeal proposal the 45° guideline would be significantly infringed and the outlook from the neighbouring bedroom limited to an unacceptable degree.
8. The appellant has referred me to a number of policies in the Bradford Core Strategy Development Plan¹ (the Core Strategy) and the Framework in support of his view that the proposal should be deemed acceptable. Some of these policies are strategic in nature and do not have a direct bearing on the circumstances of the appeal proposal. I do attach weight to the appellant's point that providing dwellings to cater for larger dwellings is an important consideration, including providing for the needs of ethnic minority families. For example, Policy HO8 of the Core Strategy seeks to increase the supply of larger homes, particularly in areas subject to overcrowding. The proposal would bring social benefits in terms of providing accommodation for the appellant's family.
9. However, these benefits would be outweighed by the harm that the form of the extension would cause to the living conditions of occupiers of the neighbouring property, and undermine the aim of the Framework to achieve high quality development with high standards of amenity for existing and future occupiers.
10. I therefore conclude that the proposal would cause unacceptable harm to the living conditions of the occupiers of the neighbouring property and would therefore not comply with Policy DS5 of the Core Strategy which seeks to ensure that development makes a positive contribution to the quality of people's lives through good design and the guidance in the SPD.

Conclusion

11. For the reasons given, the appeal is dismissed.

Tim Wheeler

INSPECTOR

¹ Adopted 2017