
Appeal Decision

Site visit made on 3 February 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/W4705/W/19/3239401
259 Cooper Lane, Bradford BD6 3NT

- 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 Hackett against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/02830/HOU, dated 3 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is a single storey extension to rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The owner of No 257 has indicated that the proposed development would encroach onto land in her ownership. This is disputed by the appellant. However, I see no reason why an approval of planning permission would negate or supersede any private legal rights relating to land ownership. Accordingly, issues relating to land ownership have not had any material bearing on my assessment of the planning issues in this appeal.

Main Issues

3. The main issues in the appeal are the effect of the proposed development on:
 - The character and appearance of the host property and the surrounding area; and
 - The living conditions of adjacent occupiers with particular regard to outlook, light and privacy.

Reasons

Character and appearance

4. The appeal property is a mid-terrace property located in a predominantly residential area. An access track is located to the rear of the properties which gives access to a number of garages in the rear gardens of the surrounding houses. As a result, there are clear views of the rear of the dwellings from the public realm.
5. It is proposed to construct a single storey extension at the rear of the property. The proposal would extend just over 6m from the rear elevation of the house

and would have a pitch roof. Whilst the extension would be quite large, its appearance would not be dissimilar to some of the garages found in the rear gardens of nearby houses. This, combined with the fact that a number of other houses in the terrace have been extended at the rear in a variety of ways, means that the proposal would not appear an incongruous feature. Moreover, its single storey nature means that it would be a subordinate addition to the house.

6. At present, the appeal property has a garage within its rear garden. It is indicated that this would be removed as part of the proposal, and this can be secured by a condition. Given this, the host property would still be left with a reasonable amount of outdoor space and the site would not appear over-developed.
7. Overall, I consider that the proposal would not harm the character and appearance of the host property or the surrounding area. Therefore, it would not conflict with Policies DS1 and DS3 of the *Bradford Core Strategy Development Plan Document (adopted July 2017)* (BCS) which seek to ensure that developments achieve a good design which responds and contributes to the character of the area.

Living Conditions

8. Guidance in the *Householder Supplementary Planning Guidance (adopted April 2012)* (SPD) indicates that rear extensions on terraced properties should not normally exceed 3m in depth. The proposed extension would project more than twice this distance and so is much larger than would normally be considered acceptable by the SPD.
9. However, the size of the extension is determined by the specific requirements of the medical circumstances of the appellant. The evidence indicates that internal alterations to the existing house to meet those needs are not possible and the width of the plot restricts alternative positions for the extension. The SPD indicates that an exception to its principles may be made if it is necessary to meet the needs of a person with a physical or mental disability, where there is not a suitable alternative solution.
10. The rear elevation of the adjacent houses contain a number of windows and doors that serve the kitchen/dining room. At present there is a high fence along the boundary with No 257, and a lower fence and trellis along the boundary with No 261. Although the pitch roof design means the highest part is set in from the boundaries, the extension would still be clearly visible above the boundary fences.
11. The extension would be set in from the common boundary with No 261. Given this, and the fact that the existing garage, which is located on this boundary, would be removed, the proposal would not adversely impact the outlook from this property.
12. However, the extension would be located on the common boundary with No 257. Notwithstanding the existing boundary fence, the scale and mass of the extension would result in it having an oppressive and overbearing impact on the occupiers of this property, and in particular, would create an unneighbourly sense of enclosure to the rear garden area. In addition, the orientation of the

properties is such that the extension would result in overshadowing and an adverse loss of light to No 257 and its garden area.

13. Two windows and a door would be located on the side elevation of the extension facing No 261. The existing boundary fence is not high enough to prevent overlooking from these windows. Whilst the appellant has indicated that these would be obscure glazed, the plans only indicate that one of them would be glazed in this way. Nevertheless, a condition could be used to ensure this would be the case. It would not normally be acceptable to have all the windows of a habitable room fitted with obscure glazing, but in this case, I consider it would be sufficient to simply allow the windows to provide light rather than any outlook. As such, privacy for both the future occupier and the neighbour could be achieved.
14. All in all, notwithstanding my conclusion regarding privacy, whilst the SPD does allow larger extensions in circumstances such as apply in this case, the larger extension would have a detrimental impact on the occupiers of No 257, and so I consider that in this instance, a larger extension would not be acceptable.
15. Consequently, I consider the proposed extension would unacceptably harm the living conditions of the occupiers of No 257 Cooper Lane with particular regard to outlook and light. As a result, it would conflict with Policy DS5 of the BCS which seeks to ensure that developments do not harm the amenity of existing or prospective users and residents.

Conclusion

16. Although I have found that the proposal would not harm the character and appearance of the area, it would have an adverse impact on the living conditions of the occupiers of No 257. For this reason, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR