



Appeal Decision

Site visit made on 27 August 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/W4705/D/20/3254335

12 Prescott Terrace, Allerton, Bradford BD15 7HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr M Ali against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/01480/PNH, dated 21 April 2020, was refused by notice dated 27 May 2020.
 - The development proposed is single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

4. The main issue is the effect of the proposal on the amenity of residents of adjoining premises with regards to outlook and light.

Reasons

5. The proposal would extent approximately 4.3m to the rear of this terraced property. The side walls of the extension would be located in close proximity to the boundaries with the adjacent properties of 10 and 14 Prescott Terrace.

6. The rear elevation of No 10 includes a window to a habitable room on the ground floor close to the boundary with the appeal site. Due to the projection of the extension and the location of the appeal site in relation to No 10, the proposal would lead to a significant loss of daylight and sunlight to this window. Also, due to the projection and bulk of the proposal as well as the proximity to the boundary, the flank wall would appear as an overbearing and obtrusive feature when viewed from the ground floor window and garden of No 10. Although the proposal is for a single storey extension, this would not mitigate the identified harm due to the degree of projection and proximity to the boundary.
7. The proposal is also located close to the boundary with No 14. However, there is an existing single storey offshoot to the rear of No 14 on the boundary with the appeal site, as well as a ground floor window on the main rear elevation which is offset from that boundary. Due to this arrangement, I consider that the proposal would not harm the amenity of residents of No 14.
8. The appellant submits that the objector to the proposal is the landlord of the property and not a resident. He also emphasises that no objections were received to a previous proposal for a dormer extension to the roof. However, consideration of these matters does not lead me to a different conclusion in respect of harm to the amenity of residents of No 10.
9. Notwithstanding my conclusions with regards to No 14, I conclude that the proposal would lead to significant harm to the amenity of residents of No 10 with regards to outlook and light. The proposal would therefore conflict with the amenity requirements of Policy DS5 of the Council's Core Strategy 2017. The proposal would also conflict with the advice of the Council's Householder Supplementary Planning Document 2012 in respect of the projection of rear extensions.
10. My attention has been drawn to the personal circumstances of a resident at the property, including correspondence relating to their requirements and property adaptations. In considering this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, in particular the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Whilst I am mindful of the needs of the resident, including provision of a downstairs toilet, it has not been demonstrated that these needs cannot be met by a more acceptable scheme. The PSED considerations do not outweigh the significant harm that I have identified and following careful consideration of these particular matters I am satisfied that the impact of dismissing this appeal is proportionate and justified.
11. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR