



## Appeal Decision

Site Visit made on 28 January 2021

**by A M Nilsson BA (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 February 2021**

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**Appeal Ref: APP/W4705/D/20/3263005**

**High Meadows, 127 Highgate Road, Queensbury, Bradford BD13 1DJ**

- 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 Mehboob Rashid against the decision of City of Bradford Metropolitan District Council.
  - The application Ref 20/02698/HOU, dated 6 July 2020, was refused by notice dated 1 September 2020.
  - The development proposed is described as proposed extensions and alterations to an existing bungalow plus associated internal and external works.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupants of 127a Highgate Road with regard to outlook and light.

### Reasons

3. The appeal property is a detached bungalow that includes roof level accommodation above the garage. It is set-back behind the buildings that front onto Highgate Road, along with a detached two-storey dwelling, 127a Highgate Road that sits to the north-west of the appeal property.
4. The existing detached dwelling adjacent to the site, 127a Highgate Road, has a glazed conservatory to the side and windows in the rear elevation that appear to be habitable room windows. There is a low-level boundary treatment that separates the appeal property from this dwelling.
5. The appeal proposal results in the increase in height of the existing dwelling, including at the section of the dwelling closest to 127a Highgate Road. Due to the size and scale of the proposed development, and the siting of the appeal property relative to 127a Highgate Road and its habitable room windows, the extension would dominate the outlook from the property and there would be an overbearing impact on the occupants to 127a Highgate Road.
6. The appellant has submitted with the appeal a Sunlight Study to consider the impact of the development in terms of levels of sunlight. The study shows that there would be overshadowing from the development in the morning time. Although the study demonstrates a moderate degree of harm in terms of overshadowing, it is based on 21 June 2020, at a time of year when the sun would be highest in the sky and light levels spread for a greater period

throughout the day. The impact of the development at the opposing time of year, which has not been demonstrated, would be likely to be greater. Either way, it has not been successfully demonstrated that the impact of the development in terms of overshadowing throughout the year would be at a level that would not cause unreasonable harm.

7. I therefore conclude that the proposed extension would result in significant harm to the living conditions of occupants of 127a Highgate Road with regard to outlook and light. It would be contrary to Policy DS5 of the Bradford Core Strategy Development Plan Document (2017) which requires, amongst other things, that development should not harm the amenity of existing residents.
8. The proposal would also be contrary to guidance contained in the Householder Supplementary Planning Document (2012) which outlines, amongst other things, that extensions should not over dominate, seriously damage outlook or unacceptably reduce natural daylight reaching any neighbours' property.

### **Other Matters**

9. I note that letters of support were received to the planning application. Any suggestion that the development would enhance the property and that it does not cause harm in terms of overlooking are not pertinent to the main issue and do not override the harm I have identified.
10. The appellant refers to the planning permission that was granted to construct 127a Highgate Road, and I have been provided with a copy of the decision notice and approved plan. In support of the appeal, the appellant suggests that this previous decision was perhaps misjudged and that the influence of the proposed extension is not materially different to that of the construction of 127a Highgate Road on the appeal property.
11. The merits of that decision are not before me. Even were I to share the appellants view, it does not justify allowing the harm to occur that I have identified.
12. The appellant has referred to the implementation of Class AA of the General Permitted Development Order<sup>1</sup> as a fallback position. The implications of this for the appeal proposal have not been fully explored and I do not have sufficient evidence that would confirm the proposal would comply with the limitations of the Order to give it weight in the appeal process.

### **Conclusion**

13. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*A M Nilsson*

INSPECTOR

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<sup>1</sup> The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020