



Appeal Decision

Site visit made on 22 February 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal Ref: APP/W4705/D/20/3264184

19 High House Avenue, Bradford, West Yorkshire BD2 4ER

- 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 Yasser Sabir against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/03013/HOU, dated 22 July 2020, was refused by notice dated 23 September 2020.
 - The development was described as: proposed double storey infill extension to rear and porch to front of property.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side; part two storey and part single storey rear extension and front porch at 19 High House Avenue, Bradford, West Yorkshire BD2 4ER in accordance with the terms of the application Ref 20/03013/HOU, dated 22 July 2020, 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 plan: 19-104-04 EXTG AND PROP PLANS AND ELEVS.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan 19-104-04 EXTG AND PROP PLANS AND ELEVS.

Preliminary Matters

2. The development for which planning permission is sought was described on the application form as a "proposed double storey infill extension to rear and porch to front of property". The Council's decision notice and the appeal form described the development as a "two storey side; part two storey and part single storey rear and front porch". In the formal decision I have used this description, and added the word 'extension', as it is a more precise and accurate reflection of the proposed development which permission is sought.
3. I noted on my site visit that some work had commenced. For the avoidance of doubt, I have assessed the appeal proposal and based my decision on the plans before me.

Main Issue

4. The main issue is the effect of the proposed rear extension upon the living conditions of the occupiers of 17 High House Avenue (No 17), having regard to light and outlook.

Reasons

5. The appeal dwelling is a two-storey, semi-detached property located within a residential area. The proposed development includes a part two storey and part single storey rear extension. The single storey element would be adjacent to the common boundary shared with No 17.
6. The scheme would conflict with guidance contained within the Householder Supplementary Planning Document (SPD) as the single-storey rear extension would exceed 3 metres in depth. However, a 4.3m single-storey rear extension was recently granted by default under a prior notification scheme¹. A planning application has also been approved for a part two storey and part single storey rear extension, albeit with a depth of 3m². I give significant weight to these applications.
7. The proposed drawing shows that the two-storey element of the scheme would be stepped in from the boundary shared with No 17 and would comply with the 45-degree rule, as set out in the SPD. Furthermore, No 17 is situated to the south of the appeal property.
8. Given the siting of No 17 relative to the appeal scheme and the orientation of the extension, the proposal would not reduce levels of light to an extent that would materially reduce light reaching habitable rooms of No 17. Thus, the habitable rooms of No 17 would still receive adequate daylight and sunlight, and the scheme would not result in unreasonable overshadowing.
9. The proposed development would not have a substantially greater visual effect upon No 17's habitable room windows than the granted applications which could be built with a 4.3m single storey extension adjacent to the common boundary. I am satisfied that the proposed development would not adversely effect living conditions to a degree that would warrant planning permission being refused. Consequently, the scheme would not have a harmful overbearing impact upon No 17's outlook.
10. The garden of No 17 is unusual as it wraps around the appeal site and is significantly larger than the garden of No 19. The boundary treatment between the appeal site and No 17's garden is low and therefore the proposed extension would be highly visible. Nonetheless, the scheme would not have an overbearing, oppressive nor dominating impact upon No 17's garden given that the two-storey extension is stepped in from the boundary and due to the size of No 17's garden.
11. Whilst the scheme would not fully accord with the advice within the SPD, each case must be considered on its own merits. Based on the circumstances of the appeal site and recent approvals, I conclude that the proposed development would not have an unacceptable effect upon the living conditions of the occupiers of No 17, having regard to light and outlook. Accordingly, it would

¹ 19/00387/PNH

² 19/00549/HOU

comply with Policy DS5 of the Local Plan for the Bradford District: Core Strategy Development Plan Document (2017) which seeks, amongst other matters, to ensure development proposals do not harm the amenity of existing users.

Conditions

12. It is necessary to attach a condition specifying the approved plan as this provides certainty. A condition is also necessary to ensure that the proposed materials are implemented in order to preserve the character and appearance of the area.

Conclusion

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

L M Wilson

INSPECTOR