



Appeal Decision

Site Visit made on 20 July 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2021

Appeal Ref: APP/W4705/D/21/3276633

122 Mandale Road, Bradford BD6 3JU

- 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 Waleed Azam against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/01200/HOU, dated 8 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is described as "single story rear extension, double side extension, front dormer".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - Character and appearance of the area, including the appeal property
 - Living conditions of the occupiers of 124 Mandale Road, with particular regards to outlook.

Reasons

Character and Appearance

3. Policies DS1 and DS3 of the Core Strategy Development Plan (the CS), amongst other matters, seek to achieve good design and high-quality places, with new development that is appropriate to its context. The Householder Supplementary Planning Document (the SPD) requires the size, position and form of extensions to maintain or improve the character and quality of the original house and wider area, in addition to specific guidance.
4. This part of Mandale Road is characterised by semi-detached properties set back from the highway with front gardens, often adapted to provide off street carparking. Some of the properties have been subject to extensions, but nevertheless there is an established pattern of development of the hipped roofed pairs of semidetached properties, with open space between and around them.
5. Whilst there is no specific policy objection to the principle of residential extensions, I note that the various extensions that comprise the appeal scheme would extend the building considerably.

6. The guidance relating to side extensions set out in the SPD specifically refers to a 1m set back from the front elevation of the property and the common boundary to the side. The appellant acknowledges that the ground floor of the proposed side extension would be in line with the front elevation of the original building, albeit behind the large porch, but references the 1 metre set back to the first floor as shown on the submitted plans and the very similar extension already created at the attached property, 120 Mandale Road.
7. The appeal scheme does not incorporate the 1 metre separation gap to the common boundary with 124 Mandale Road sought by the SPD. The absence of a gap to the common boundary is further exacerbated in the case of this appeal scheme by the change in the roof design from hipped to gable, removing any open space to the common boundary. The absence of a 1m set in is acknowledged by the appellant, who refers to examples of other extensions in the local area, that similarly do not provide a 1m gap to the common boundary.
8. At the site visit I saw many of the properties referred to by the appellant and it is without doubt that extensions not set off the boundary and back from the front elevation lead to a loss of the open space between properties and result in a cramped appearance and terracing effect, as would be the case for the appeal site, resulting in harm to the character and appearance of the area, including the appeal property.
9. I have not been provided with all of the details of the developments referred to by the appellant or the circumstances and policies that applied at the time that permission was granted. In any event the presence of these development does not persuade me as to the acceptability of the appeal scheme in this respect.
10. That the appeal scheme would restore some balance to the pair of semi-detached properties, of which the appeal site is one part, is a material consideration that weighs in favour of the proposal but does not outweigh the harm I have identified previously.
11. Turning to the front dormer, the submitted plans show a small set down from the ridge, back from the eaves and separation from the sides of the roof. The appellant acknowledges that the front dormer, at 3.4m, is wider than the 3m sought by the SPD and refers to an alignment with the other windows of the property as justification.
12. However, the submitted plans clearly show that the window to the dormer is noticeably larger than those of the other windows in the property and does not align with existing windows or those proposed in the side extension. As a result of the width of the proposed dormer, a wide and prominent expanse of cladding is necessitated to the front elevation, contrary to guidance set out in the SPD. The proposed dormer would therefore appear as a prominent and incongruous feature, removing the simple and modest form of the roofscape, thereby resulting in harm to the character and appearance of the area including the appeal property.
13. The appellant refers to a planning permission¹ previously granted in respect of 32 Mandale Road for a dormer and roof extension that is not dissimilar to the appeal scheme. However, based on the plans provided in the appellant's

¹ 21/00906/HOU

Statement of Case, the dormer in that instance appears to comply with the guidance set out within the SPD with regards overall width and the extent of cladding materials to the front elevation, in contrast to the appeal scheme before me.

14. For the reasons detailed above, I find that the appeal scheme would harm the character and appearance of the area including the appeal property. Therefore, the appeal scheme is contrary to policies DS1 and DS3 of the CS, and contrary to guidance set out in the SPD.

Living Conditions

15. Policy DS5 of the CS requires, amongst other matters, that new development makes a "positive contribution" and does "not harm the amenity of existing or prospective users and residents".
16. The proposed rear extension would project some 4.5 metres from the rear wall of the appeal property immediately adjacent to the common boundary with No.124. The Council notes that this is contrary to design policy principles stipulated within the SPD, which details a maximum of 3 metres and a gap to the common boundary of 1 metre.
17. The appellant notes the similarity of the depth of the proposed extension with that at the attached property and the orientation of the properties, being situated such that the proposed extension will not cast a shadow over No.124, as evidenced by figure 8 of the appellant's Statement of Case. As such, I do not find that this aspect of the appeal scheme will result in unacceptable overshadowing of the neighbouring property.
18. However, as a result of the depth of the proposed extension and proximity to the common boundary there remains the potential for the appeal scheme to have an overbearing effect and thereby harm the outlook of the occupiers of No.124. Based on the evidence before me it has not been demonstrated that the appeal scheme would not have an unacceptable impact on the living conditions of the occupiers of No.124, with particular regards to outlook.
19. For the reasons detailed above it has not been demonstrated that the appeal scheme would not harm the living conditions of the occupiers of No.124, with particular regards to outlook contrary to Policy DS5 of the CS and the guidance set out in the SPD.

Other Matters

20. The appellant details that the purpose of the appeal scheme is to provide additional accommodation for their growing family. This is a material consideration that weighs in favour of the appeal scheme but does not outweigh the harm I have previously found.
21. The Statement of Case from the appellant suggests the potential of a split decision. Under s79(1)(b) of the Town and Country Planning Act 1990 as amended (the Act) I can split a decision allowing one part of a scheme and dismissing the remainder. However, I am not satisfied that there are acceptable elements of the appeal scheme, where there is no dispute between the main parties, that can be both physically and functionally severable from the overall scheme. As such, I have not made a split decision in this instance.

22. The submitted plans detail that parts of the appeal scheme, including parts specifically referred to in the Description of Development, can and would be constructed using permitted development rights. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development does or does not require planning permission. If the appellant wishes to ascertain whether parts of the development would be lawful under permitted development rights, they may make an application under section 192 of the Act.
23. I have considered the evidence presented by the appellant in this respect so far as it is material to this appeal, but I have nonetheless found harm in aspects of the appeal scheme where planning permission is clearly sought and where no substantive evidence has been provided to demonstrate that the permitted development rights asserted by the appellant provide a fallback position. Therefore, this does not outweigh the harm I have identified previously.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR