



Appeal Decision

Site Visit made on 2 July 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2021

Appeal Ref: APP/W4705/D/21/3270037

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 20/04849/HOU, dated 23 October 2020, was refused by notice dated 15 December 2020.
 - The development proposed is a first floor extension and two storey rear extension with balcony
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.
3. The circumstances of this appeal are such that it has not been necessary to seek comments from the parties on the revised Framework.

Main Issue

4. 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

5. 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.
6. 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.
7. In a previous appeal¹ I found that a similar proposed development would result in significant harm to the living conditions of the occupants of 127a Highgate

¹ APP/W4705/D/20/3263005

Road with regard to outlook and light. Since this previous decision, the proposed development has been amended by dropping the eaves level of the part of the extension closest to 127a Highgate Road. This has resulted in a steeper pitch to the roof of this part of the extension from the previous scheme.

8. The proposed development results in the increase in height of the existing dwelling, including at the section of the dwelling closest to 127a Highgate Road. The increase in height overall is unchanged from the previous scheme. Despite the amendment referred to above, 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.
9. The appellant has submitted a Sunlight Study to consider the impact of the development in terms of levels of sunlight. Unlike the previous decision, the Sunlight Study now assesses the impact of the development at the opposing time of year. The study shows that there would be some overshadowing from the development in the morning time, but only a small impact at other times of the day. Taking into account the submitted Sunlight Study, despite there being a small reduction, I do not consider that there would be an unreasonable impact on light levels to 127a Highgate Road.
10. I therefore conclude that although there would be a small reduction in the harmful impact of the development from that considered in the previous appeal, the proposed development would nonetheless result in significant harm to the living conditions of occupants of 127a Highgate Road with regard to outlook. 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.
11. 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 or seriously damage outlook for any neighbours' property.

Other Matters

12. 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.
13. 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. The appellant suggests that the previous decision granted to construct 127a Highgate Road 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.
14. 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.

Conclusion

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

A M Nilsson

INSPECTOR