



Appeal Decision

Site visit made on 14 September 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2021

Appeal Ref: APP/W4705/D/21/3279360

22 Oakridge Avenue, Menston, Ilkley LS29 6DF

- 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 Kendall Proctor against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/02445/HOU, dated 30 April 2021, was refused by notice dated 30 June 2021.
 - The development proposed is two-storey side extension and part single, part two-storey rear extension, permitted development hip to gable roof extension and rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for two-storey side extension and part single, part two-storey rear extension, permitted development hip to gable roof extension and rear dormer, at 22 Oakridge Avenue, Menston, Ilkley LS29 6DF in accordance with the terms of the application, Ref 21/02445/HOU, dated 30 April 2021, 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 plans: M3277/01/001/D; M3277/01/101/D; M3277/01/102/D; M3277/01/103/D; M3277/01/104/D; M3277/01/105/D; M3277/01/201/D; M3277/01/202/D; M3277/01/203/D; M3277/01/204/D; M3277/01/301/D; M3277/01/302/D; M3277/01/303/D.
 - 3) Before any part of the side extension hereby permitted is brought into use, the off-street car parking facility indicated on the plans shall be provided and constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15. The development shall be retained as such thereafter.
 - 4) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further openings shall subsequently be formed in the side elevations of the extensions hereby permitted without the express written permission of the Local Planning Authority.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the host dwelling and surrounding area; and upon the living conditions of the occupiers of 23 Oakridge Avenue (No 23) with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site is a two-storey semi-detached dwelling located within a long cul-de-sac street of similar properties. I note that the Council has previously approved a very similar proposal¹ with a rear extension depth of 3 metres (m). The proposal is all but the same apart from a 5m depth to the single storey rear extension.
4. The proposals, when considered as a whole, would undoubtedly add considerably to the massing of the original dwelling. However, from the front the two-storey side extension would be a clearly subordinate addition and would retain appropriate separation to No 21. The depth of the rear extensions would only be visible if looking between the appeal property and its neighbour. Thus, the development would not result in the appeal property appearing as a dominant or intrusive feature in the street scene.
5. The majority of the massing would be located to the rear, but even with the additional 2m depth of the rear extension, it would not be greater in depth than the extensions at No 23. Moreover, properties here have long rear gardens featuring mature trees and other established planting. The depth of the extensions would be limited in the overall context of the size of the rear garden and would not harm the spacious character to the rear. In this context and given the limited private vantage points from which they would be seen, the proposals would not be intrusive or out of keeping with the local development pattern and character of the area.
6. Overall, the proposals would have minimal impact on the character of this property and suburban residential locality.
7. I therefore conclude that the development would not be harmful to the character or appearance of the host building and surrounding area. Thus, the proposal complies with the broad design principles of Policies DS1 and DS3 of Bradford's Core Strategy 2017 (CS), and the Council's Householder Supplementary Planning Document (SPD) in this regard.

Living conditions

8. The sole concern identified by the Council is the effect on No 23 as a result of the degree of projection of the single storey rear extension. However, the proposal would not project beyond the existing conservatory at No 23. Thus, it would not overshadow or appear overbearing from the rear outlook of the conservatory.
9. Whilst the conservatory has obscure glazed windows in the side elevation facing the appeal site, the previously approved 3m long scheme is a fallback position to which I afford significant weight because there is a real prospect

¹ LPA ref: 21/00425/HOU

that it could be implemented should this appeal fail. The fallback position would itself have an effect on light to these windows. Furthermore, the windows are north facing and are not the primary source of light and outlook. The additional depth of the single storey extension would be noticeable, but it would not be significantly more oppressive than the fallback position. I am also mindful that other forms of boundary treatment, or landscaping could be introduced in front of the windows on the side of the appeal property.

10. I therefore conclude that the development would not unacceptably harm the living conditions of the occupiers of No 23 with particular regard to outlook and light. Thus, the proposal complies with the objectives of Policy DS5 of the CS, and the SPD, which among other things, seek to protect the amenity of neighbouring occupiers.

Conditions

11. I have considered the conditions suggested by the Council in light of the National Planning Policy Framework and the Planning Practice Guidance. Where necessary, I have amended the wording to ensure clarity and precision, and I have imposed only those conditions which meet the relevant tests.
12. The standard commencement and approved plans conditions are imposed for certainty. A condition relating to the provision and drainage of the additional parking space is necessary in the interests of highway safety and to minimise surface water runoff. A restriction on the insertion of further windows in the side elevations of the development is necessary to protect privacy. However, I have removed reference to dormer windows as these would in any event be restricted by permitted development rights. I have not imposed a matching materials condition as some parts of the extension would be rendered, while those parts that would be constructed of matching materials are specified as such on the drawings.

Conclusion

13. For the reasons given above, I conclude that the appeal should succeed.

A Caines

INSPECTOR