



Appeal Decision

Site Visit made on 16 September 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2021

Appeal Ref: APP/W4705/D/21/3281278

51 Woodcot Avenue, Baildon BD17 6QR

- 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 & Mrs N Kendall against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/02964/HOU, dated 2 June 2021, was refused by notice dated 29 July 2021.
 - The development proposed is Proposed two storey side extension and new porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i. the character and appearance of the area; and,
 - ii. the living conditions of the occupiers of the neighbouring property, 32 Pasture Road.

Reasons

Character and Appearance

3. The appeal property is one of a pair of semi-detached properties occupying a prominent and elevated position next to the junction of Woodcot Avenue and Pasture Road.
4. As referred to by the appellant, the appeal plans include a set-back to the first-floor level, although I note that that there is no set back to the ground floor. While I have not been provided with a copy of it in respect of this appeal, I am aware from my other case work that, with regards semi-detached properties, the Bradford Householder Supplementary Planning Document (the SPD) requires a setback of 1m behind the front elevation of the original house, this applies equally to the first and ground floors. I also note that there is no set down in the roof level to the original dwelling, contrary to a requirement of the SPD.
5. Furthermore, the SPD details that extensions should not be wider than 2/3 the width of the original house. The Council details that the original dwelling is 4.2m wide and the proposed extension is 3.45m wide. This is over the 2/3 set out in the SPD.

6. I acknowledge that the existing property is narrower than those found elsewhere and benefits from a wider than typical side garden. However, as a result of the elevated positioning of the property within the street, this side elevation is visually prominent, more so than in a typical setting found elsewhere in the local area.
7. In the absence of a set down at roof level and set back at the ground floor level, in combination with the substantial width of the proposed extension both in itself and in proportion to the existing dwelling, the appeal scheme fails to appear to be subordinate to the appeal property. As a result, the proposed scheme would appear as a prominent and incongruous feature in the local area.
8. The appellant has detailed a number of other developments in the local area that, it is stated, share characteristics with the appeal scheme with regards the absence of setbacks or a set back to the first floor only. While it appears that these developments have been granted consent since the SPD has been adopted by the Council nonetheless, I do not have all the evidence regarding the policies and circumstances that applied at the time that permission was granted and in any event each development must be determined on its own merits.
9. For the reasons detailed above I find that the appeal scheme would create a prominent and incongruous feature in the street harming the character and appearance of the area contrary to Policy DS1 and DS3 of the Core Strategy and the guidance set out in the SPD that amongst other matters seek to achieve good quality design.

Living Conditions

10. The SPD requires that "where any neighbours' house has habitable room windows facing or adjacent to an extension" two storey extensions should not normally project beyond at 45 degree line taken from the edge of the nearest habitable window of any adjacent house and should not normally project beyond a 25 degree line drawn from the middle of any opposite neighbours habitable room window. The SPD details that this is in order to protect the living conditions of the occupiers of adjacent dwellings.
11. The appellant has provided evidence in support of the appeal that demonstrates that the appeal scheme would not break a line drawn at a 45 degree angle from the nearest habitable room window of 32 Pasture Road. However, the plan on which this evidence is based does not correspond with my observations on site, specifically a single storey side extension to No.32 is not shown and I saw on site that this extension includes windows to the rear and side elevation.
12. Therefore, on the basis of the evidence before me I find that it has not been demonstrated that the appeal scheme would not harm the living conditions of the occupiers of adjacent dwellings contrary to Policy DS5 of the Core Strategy and the SPD in so far as it seeks to protect the living conditions of the occupiers of adjacent dwellings.

Other Matters

13. The appellant refers to the need to extend the appeal property to improve unsatisfactory living accommodation. However, no further evidence has been

submitted in this respect. As such this consideration does not outweigh the harm I have identified previously

14. The appellant notes that there have been no public objections to the appeal scheme. The absence of objections is neutral and does not weigh in favour of the proposals and does not outweigh the harm I have identified previously.

Conclusion

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

Mr M Brooker

INSPECTOR