



Appeal Decision

Site Visit made on 23 November 2021

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2021

Appeal Ref: APP/W4705/D/21/3280318

7 Ellercroft Terrace, Bradford, BD7 2EQ

- 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 Akhlaq Azad against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/01274/HOU, dated 10 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is front and rear dormer window with first floor rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In this case, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I have therefore not sought further submissions on the revised Framework, and I am satisfied that no party would be disadvantaged as a result.
3. At my site visit, the front and rear dormers and the rear first floor extension had been constructed, but the windows had not yet been installed and construction and internal finishing works were still underway. Whilst the officer report indicates that both the front and rear dormers would be permitted development, both windows are shown on the submitted appeal drawings. In addition, the position and form of the rear dormer is dependent on the first floor extension that forms part of this appeal scheme. I have therefore determined the appeal on the basis that it is partly retrospective and includes the front and rear dormer windows.
4. The Council has raised no objection to the impact of the appeal scheme on the character and appearance of the host dwelling or the surrounding area and I see no reason to disagree with that assessment. In that context, the main issue in this case is the effect of the proposal on the living conditions of adjoining occupiers having particular regard to daylight, sunlight and outlook.

Reasons

5. The appeal property is located within a residential area to the west of Bradford city centre. Development in the area comprises terraced rows, many of which have been extended at roof level with box dormers. The dwellings on the south side of Ellercroft Terrace including the appeal property are substantial semi-

detached pairs and their traditional materials and detailing and shared front gable projection contribute to a distinctive and established street scene.

6. There is sufficient separation distance between the appeal property and No 9 Ellercroft Terrace to ensure that the rear extension and dormer would not result in a material reduction in levels of daylight and sunlight reaching the rear of No 9 and that the outlook from that property and its rear garden would be maintained.
7. No 5 Ellercroft Terrace (No 5) has not been extended to the rear and has one window and a patio door/windows on the ground floor and two windows on the first floor in its rear elevation.
8. The rear dormer has replaced an existing dormer and although it extends across the width of the dwelling, it does not project beyond the original rear wall of the dwelling. As such, it does not have an adverse impact on the levels of daylight and sunlight reaching No 5's rear windows and garden area. However, the first floor rear extension has been constructed above the appeal dwelling's existing ground floor lean-to extension with a 'catslide' roof form and extends approximately 2 metres from the dwelling's original rear wall.
9. The Householder Supplementary Planning Document (SPD) advises that two storey extensions should not normally project beyond a 45 degree line taken from the edge of the nearest habitable room window of any adjacent house. The officer report indicates that the first floor extension would not breach the 45 degree line to No 5's ground floor window but does not assess the impact on the first floor windows.
10. Due to its proximity and orientation to the south-west of No 5, the existing ground floor lean to and gable projection to the rear of the appeal property will already reduce the levels of daylight and sunlight reaching No 5's rear ground floor windows. The first floor extension would be unlikely to cause a significant reduction in the levels of daylight and sunlight reaching No 5's ground floor windows, due to its restricted length and the angled slope of the roof. For the same reason, levels of daylight to No 5's first floor windows are unlikely to be significantly reduced by the extension or the rear dormer.
11. However, due to its height, proximity to the common boundary and orientation to the south-west of No 5, the first floor extension would reduce the levels of sunlight reaching the first floor bedroom window in No 5 closest to the extension, particularly during the afternoon and evening periods. This would make the room more gloomy in aspect and less pleasant to use. The outlook from that room would also be more restricted due to the proximity of the extension's side wall.
12. The first floor extension will also be likely to cast a small area of additional shadow over No 5's garden immediately to the rear of the dwelling, but the majority of the rear garden area would be unaffected. However, due to its height and the unbroken expanse of walling hard on the common boundary, the extension's side wall would have an overbearing effect when viewed from No 5's rear garden area, increasing the sense of enclosure and making the garden much less pleasant to use. The overbearing effect would be exacerbated due to the restricted length of No 5's rear garden.

13. I conclude that whilst levels of daylight reaching the rear ground and first floor windows in No 5 would not be significantly reduced, the rear extension would reduce levels of sunlight to No 5's first floor bedroom window and would adversely affect the open outlook from that room and would have an overbearing impact on the outlook from the rear garden. For these reasons, it would be harmful to the living conditions of No 5's occupiers. There would be conflict with Policy DS5 of the Core Strategy (2017) (CS) which seeks to ensure that development does not harm the amenity of existing residents and with SPD design principle 3 that extensions should not over dominate or seriously damage the outlook from a neighbouring property. Whilst the reasons for refusal also refer to CS Policies DS1 and DS3, these policies deal with the quality of new design and I concur with the appellant's point that they are not directly relevant to my assessment of the main issue in this appeal.

Other Matters

14. There is nothing in the evidence to suggest that the Council's decision on the planning application was unduly influenced by the representations from adjoining and other occupiers in the area. My decision on the appeal has also been made based on the circumstances of the site, the details of the scheme before me and in accordance with the development plan.
15. Planning permission reference 21/02426/HOU which has been referred to me by the appellant is a separate proposal from this appeal and is not a matter on which I can comment further.

Conclusion

16. For the reasons outlined above and having had regard to all other matters raised, the appeal is dismissed.

Sarah Housden

INSPECTOR