

Appeal Decision

Site visit made on 8 December 2021

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/W4705/D/21/3281554
43 Lingwood Avenue, Bradford BD8 9PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr Usman Ahmed against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/02542/PNH, dated 10 May 2021, was refused by notice dated 17 June 2021.
 - The development proposed is construction of single storey rear extension.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(GPDO) for a single storey extension at 43 Lingwood Avenue, Bradford BD8 9PR in accordance with the terms of the application Ref 21/02542/PNH, dated 10 May 2021, and the plans submitted with it.

Procedural Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. Where an application is made for prior approval for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g), and an objection is received, paragraph A.4(7) requires the impact of the proposed development on the amenity of all adjoining premises to be assessed, taking into account any representations received.
3. The principle of the development is established by the GPDO. The prior approval provisions do not require regard to be had to the development plan. I have therefore only had regard to the policies of the development plan in so far as they are material to the matters for which prior approval is sought.

Main Issue

4. The main issue in this appeal is the impact of the proposed development on the amenity of adjoining premises, with particular regard to overshadowing and outlook at No 45 Lingwood Avenue.

Reasons

5. The appeal site is a two-storey, semi-detached dwelling, with north facing rear elevation. The proposed single storey extension would extend beyond the rear elevation by six metres for the full width of the host dwelling. The effect of the

- proposal, as seen from No 45, would be to increase the height and alter the material of the boundary treatment.
6. The existing hedge along the boundary with No 45 would be replaced with a rendered wall. The eaves of that wall would be only very slightly higher than the head of the rear window at No 45. The highest part of the proposed extension would not be readily visible from this window, due to the angle of view. Beyond that, the height of the wall would be diminishing, thereby reducing its presence. The diminishing effect along the depth of the extension would be further emphasised by the rising garden level. Consequently, the proposed extension would not be overbearing to any significant degree when considered in this context.
 7. The location of the window at No 45 on the north facing rear elevation indicates that any existing direct light would be limited to very early mornings and late evenings. As such, existing daylight levels are already low. The proposed single storey extension is sited on the northern elevation, to the west of the window at No 45. When considered together with the diminishing roof height, any further direct light loss would be for a very limited additional period of time in evenings only, and not at all during winter months. As such, overall daylight levels and living conditions would not be significantly affected.
 8. The proposal's depth conflicts with guidance in the Bradford Householder Supplementary Planning Document (2012)(SPD), which recommends that such extensions be a maximum of three metres deep. However, the purpose of these guidelines is to prevent neighbours from experiencing unreasonable damage to outlook and unacceptable loss of daylight. I have already found that living conditions would not be harmed in these regards.
 9. The occupants of No 41 are concerned about loss of light. However, the Council have not objected in this regard, and I have no substantial evidence to persuade me that the proposal would result in an unacceptable degree of harm.
 10. I conclude that the proposed development would not adversely impact on the amenity of adjoining premises, with particular regard to overshadowing and outlook at No 45 Lingwood Avenue, and would therefore accord with the provisions of Schedule 2, Part 1, Class A of the GPDO. Within the context of that permitted development right, whilst the depth of the extension conflicts with SPD guidance, the proposal complies with policy DS5 of the Bradford District Core Strategy (2017) which requires that development should not harm the amenity of existing or prospective users.

Conclusion and conditions

11. For the reasons given above I conclude that the appeal should be allowed, and prior approval should be granted.
12. Planning permission granted for development under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO is subject to conditions set out in paragraph A.3 of that Class, of which the following is relevant to the proposal: the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Patrick Hanna

INSPECTOR