



Appeal Decision

Site visit made on 30 November 2021

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2021

Appeal Ref: APP/C2708/D/21/3282982

10 Westview Close, Low Bradley, Keighley BD20 9BU

- 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 Martin & Anne Hibbins against the decision of Craven District Council.
 - The application Ref 2021/22513/HH, dated 7 February 2021, was refused by notice dated 8 September 2021.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed extension on the living conditions of the occupants of No 8 Westview Close, with particular reference to daylight and outlook.

Reasons

3. The appeal site is a large dwelling located at No 10 Westview Close. The side elevations of No 8 and No 10 are separated by the appeal property's large single storey garage connected to both dwellings. To the rear of the garage there is an area enclosed by the garage, the side elevations of the 2 dwellings, and in part by a single storey shed. No 8 is set down at a slightly lower level than No 10. The rear elevations of No 10, including the single-storey extension, are offset from those of No 8.
4. The effect of the proposed first-floor rear extension on the daylight and outlook at No 8 relate primarily to 2 windows on the elevation of No 8 facing No 10; a clear glazed bedroom window at the first floor; and an obscure glazed dining room window at the ground floor.
5. The occupants of No 8 object to the proposal and state that it would break a 25-degree rule and would reduce daylight to their windows, particularly the ground floor dining room. However, I have been provided with no details regarding the 25-degree rule or what the relative implications would be if it would be breached by the proposal. Therefore, I have reviewed the potential implications based on the plans before me and observations from my site visit.
6. Due to the location of the ground floor dining room window at No 8 and the adjacent built context it already suffers from overshadowing. As a result, the existing daylight conditions are poor. The proposal would exacerbate these conditions, as it would reduce even more the amount of daylight to this

window. Therefore, the proposal would result in an unacceptable impact on the living conditions of the occupants of No 8.

7. Due to the scale and pitch of the roof of the proposal, and the relationship between the 2 dwellings the effect on daylight in respect of the first-floor bedroom window of No 8 would be limited. Overall, whilst there would be some effect upon levels of daylight to the window it would not be substantial or unacceptable.
8. I also note that the occupant at No 8 has raised concerns regarding the effect on the outlook from the 2 windows. I acknowledge that the existing outlook from the first-floor bedroom window is poor as it directly faces the existing built form of No 10. However, there is an existing outlook over the top of the current single storey extension to the rear of No 10. The proposal would effectively remove this outlook through the introduction of a new section of blank wall at first-floor level. This would unacceptably impact on the outlook from this window for occupants of No 8 and harm their living conditions.
9. The existing ground floor dining room window already has a sense of enclosure due to the relationship with the dwelling, garage and shed at No 10. The proposal would marginally increase this sense of enclosure. This, coupled with the height of the window and its obscure glazed nature, would mean that the effect of the proposal on the outlook from the ground floor dining room would be limited and not unacceptable.
10. I acknowledge that the occupant of No 8 has also raised concerns that the proposal would be overbearing on their garden and impact on privacy. Whilst the proposal would extend the first-floor elevation at the rear of No 10 towards the garden of No 8 it would not extend beyond the first-floor rear elevation of No 8. The resultant relationship between the first-floor rear elevations would be similar to that between No 6 and No 8. The proposal would also result in more obtuse angles of outlook from rear first-floor windows of No 10 over the garden at No 8 than at present. Therefore, the proposal would not result in unacceptable effects on the living conditions of the users of the garden of No 8.
11. Consequently and in spite of this, I conclude that overall, the proposal would unacceptably harm the living conditions of the occupants of No 8 in respect of daylight and outlook. It therefore fails to accord with Policy ENV3 of Craven Local Plan 2012 – 2032 (2019) (CLP). This requires that development should protect the amenity of existing residents and be able to demonstrate that it would secure a good standard of amenity for all existing and future occupants of land and buildings. This policy is consistent with the National Planning Policy Framework.

Other Matters

12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Low Bradley Conservation Area (the CA). In considering the significance of the CA I have had regard to the Council's draft Low Bradley Conservation Area Appraisal (2016) (LBCAA).
13. The draft LBCAA states that Low Bradley is a picturesque former wool and mill village, and the CA incorporates the historic settlement and the immediate

surrounding countryside. The significance of the CA is derived from its linear form of the historic tight knit urban grain which gets denser towards the centre of the CA. Most of the dwellings on central streets front onto the back of pavement or are set slightly back between small front gardens enclosed by dry stone walls. Most streets curve gently creating views. The consistent use of stone for buildings and walls is a strong characteristic. Landscape and open space are also integral parts of the character of the CA.

14. The draft LBCAA refers specifically to Westview Close being a notable small modern infill development. The dwellings on Westview Close relate adequately to the rest of CA. By virtue of its proposed location, scale, design, and use of materials the extension would be sympathetic to the existing dwelling and the CA. It would not impact any key views within, into, or out of the CA. Therefore, it would preserve the character and appearance of the CA and not harm its significance. It would also accord with Policy ENV2 of the CLP.
15. I acknowledge that the appellants have expressed disappointment about the way the planning application was determined by the Council. Whilst I appreciate that this must have caused them concern, I have assessed the proposal on its merits in light of the current up-to-date planning policies.

Conclusion

16. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Richard Newsome

INSPECTOR