



Appeal Decision

Site visit made on 1 February 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/W4705/D/21/3283740

5 Moorside, Daisy Hill, Bradford BD9 6DH

- 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 Pia Maddison against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/03465/HOU, dated 30 June 2021, was refused by notice dated 24 August 2021.
 - The development proposed is a first floor extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to rear at 5 Moorside, Daisy Hill, Bradford BD9 6DH, in accordance with the terms of the application, Ref 21/03465/HOU, dated 30 June 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: Site Location Plan; 1852-21-001 Revision A (Existing and Proposed Drawings).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupants of 4 Moorside, in particular with respect to overshadowing.

Reasons

3. The appeal relates to a modest, two storey terraced dwelling which has an existing, flat-roofed, single storey extension to the rear, beyond which is a narrow area of external space bounded by railings. It is proposed to add a further storey to this extension. This would have a rear facing gable with the eaves and ridge line matching that of the main dwelling.
4. The Council's concern relates to the potential for this extension to overshadow the small garden and rear patio door of 4 Moorside, which lies to the north and north-west of the appeal site. The patio doors are within a single storey extension that projects into the garden from the side wall of No 4 and stands around 1 metre behind the main rear wall of No 5. The walls of No 5, No 4 and

No 9 surround the garden on three sides, with the rear bounded by the same railings as at No 5, beyond which are the grounds of a place of worship. These grounds are relatively open, but have a number of mature trees that overhang and shade the rear gardens of Nos 4 and 5.

5. At the time of my visit, the garden of No 4 was not physically separated from the rear space of No 5, and it appeared in the process of being cleared of overgrown vegetation, suggesting it had not been used as a recreational space recently. However, it is capable of such use and the effect of the proposal should be considered on this basis.
6. It is relevant that a first floor extension to the appeal dwelling was granted planning permission in 2021 under Council Ref 21/00286/HOU. This represents an implementable fall-back scheme for the appellant. Under this permission, the massing to the first floor is set to the southern side of the dwelling, away from No 4, with a sloping roof added over the remainder of the ground floor extension. I understand that the scheme now before me was originally proposed under this earlier application, but was subsequently amended following discussions with the Council, and the revised scheme was approved. As such, the assessment to be made is whether the additional massing now proposed to the first floor would be harmful to the living conditions of the occupants of No 4.
7. The proposed extension would extend the height and depth of the wall next to the garden of No 4. I note the guidance of the Council's Householder Supplementary Planning Document (April 2012) that two storey extensions should not breach a 45° line drawn from the edge of the nearest habitable window of any adjacent house. Based on the plans before me, it would appear that the extension would breach a 45° line by a small margin.
8. However, I saw that the overall depth of the extension beyond the patio door of No 4 would be relatively modest, whilst the rear of the garden would remain open and would continue to provide a broad vista over the grounds of the place of worship. I accept that the massing approved under permission Ref 21/00286/HOU was more recessed; however, there would still be height added to the wall facing the garden of No 4 due to the addition of the sloping roof. Moreover, the approved first floor extension would still be close to No 4, and of a height that would cast additional shadow over parts of its garden.
9. Based on what I saw on site, and having regard to the extant planning permission, I find that although the proposed massing would be located to the south of No 4, the combination of the existing massing and the position of windows to No 4 means that any increase in shadowing or loss of sunlight would be limited in coverage and duration, and not of a scale which would significantly undermine neighbours' enjoyment of their property.
10. I have also considered the effect on outlook. This would be restricted in terms of the upward view towards some of the tree crowns presently visible above the single storey extension of No 5; however, this would represent a limited incursion into the overall vista at the rear, and would not impose upon the main rearward view from the patio doors. Also, as the garden of No 4 extends beyond the proposed extension, occupants would still be able to take in a wide panorama from the garden, including southerly views. It would also represent only a modest additional restriction compared to the approved first floor extension which would be visible from No 4 despite its recessed position.

11. Overall, I find that the appeal scheme would result in modest additional effects in terms of shadowing, loss of outlook and sunlight; however, for the reasons set out, I find these effects would not be so significant as to be detrimental to the living conditions of neighbouring occupants.
12. The Council refers to the effect of the proposal on the living conditions of occupants of No 6 to the other side, but did not ultimately allege harm in this respect. No 6 lies to the south of the appeal site, with an open aspect to the rear (east) and side (south). As such, there would be no adverse loss of light or outlook for this dwelling, nor increased overshadowing. Whilst the northern side boundary would increase to two stories, a similar proposal has already been approved. Consequently, I am satisfied that the proposal would not have an adverse effect on the living conditions of occupants of No 6.
13. For these reasons, I conclude that the proposal would not harm the living conditions of neighbouring occupants. No conflict therefore arises with Policy DS5 of the Core Strategy Development Plan Document (July 2017), which requires that developments provide high quality, inclusive design that does not harm the amenity of existing or prospective users and residents.

Other Matters

14. The Council did not find harm in respect of the effect of the proposal on the character and appearance of the area, noting its gabled form and use of matching materials. I agree that the proposed design would be sympathetic to the host dwelling and its surroundings, and see no reasons to conclude differently to the Council on this issue.

Conditions

15. Along with the standard time limit, a condition is required setting out the approved plans, to provide certainty. It is also required that the extension is constructed in materials to match the external appearance of the dwelling, to ensure a satisfactory appearance.

Conclusion

16. For the reasons set out, I conclude that the proposal accords with the development plan, taken as a whole. There are no material considerations which indicate that permission should nevertheless be withheld. Therefore, the appeal should be allowed.

K. Savage

INSPECTOR