



Appeal Decision

Site visit made on 24 February 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2022

Appeal Ref: APP/W4705/W/21/3289550

55 Grange Road, Eldwick, Bingley BD16 3DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Ms Julie Wilson against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/03440/HOU, dated 28 June 2021, was approved on 29 September 2021 and planning permission was granted subject to conditions.
 - The development permitted is a retrospective application for single storey sun room extension.
 - The condition in dispute is No.3 which states that: Within one month of the date of this notice, the opening in the south-west elevation of the extension hereby permitted shall be covered with materials to match the remainder of the building and shall remain covered whilst ever the development subsists.
 - The reason given for the condition is: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.
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Decision

1. The appeal is allowed and the planning permission Ref 21/03440/HOU for retrospective application for single storey sun room extension at 55 Grange Road, Eldwick, Bingley, BD16 3DQ granted on 29 September 2021 by City of Bradford Metropolitan District Council, is varied by deleting condition 3 and substituting it for the following condition:
 - Within three months of the date of this decision, notwithstanding the approved plan, the window in the south-west elevation of the extension hereby permitted shall be fitted with obscure glazing to a minimum of obscure glazing level 3, and be fixed (non-opening). The obscure glazing shall thereafter be retained at all times.

Main Issue

2. The main issue is the effect that removing or varying the condition would have on the living conditions of occupants of the adjoining property with regard to privacy.

Reasons

3. The appeal property is a semi-detached bungalow. Planning permission has been granted retrospectively for the single storey sunroom located to the rear of the property.

4. The sunroom projects from the rear of the property and runs broadly along the common boundary with the adjoining property, no. 53 Grange Road. It is clad in timber, which although does not match the materials used in the main dwelling, does not cause unacceptable harm to the character and appearance of the dwelling.
5. On my site visit I observed that there is a clear glazed window in the side elevation of the sunroom that afforded views directly into the rear garden of the adjoining property and angled views into the rooms to the rear of the adjoining property.
6. Given the proximity of the adjoining dwelling and the overlooking that is permissible, I am in no doubt that the window in its current form causes harm to the living conditions of the occupants of the adjoining property with regard to privacy.
7. The Council imposed a planning condition requiring that the opening be covered with materials to match the remainder of the building. This was in addition to the approved plans stating that the existing window to be obscured and covered with timber cladding to match the remainder of the building.
8. Although I agree that a condition is necessary to ensure that there is not an unacceptable impact on the privacy of the occupants of the adjoining property, the condition as originally imposed is onerous and not the sole means of ensuring there is not an unacceptable impact on the privacy of the occupants of the adjoining property.
9. To this end, a condition requiring that the window is fitted with obscure glazing to level 3 or above would be sufficient to ensure there is not an unacceptable impact on the privacy of the occupants of the adjoining property. It is also necessary to make the development acceptable in planning terms. It would be notwithstanding the details as shown on the approved plan. In the interests of living conditions, it is also necessary that the window is fixed, that is, non-opening.
10. I therefore find that the condition in its current form is not necessary. I will amend the condition to require the use of obscure glazing.
11. I therefore conclude that deleting the condition and replacing it with the condition as outlined would safeguard the privacy and amenity of occupiers of neighbouring properties and accord with Policy DS5 of the Bradford Core Strategy (2017) which requires, amongst other things, that development should not harm the amenity of residents.

Conclusion

12. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal is allowed.

A M Nilsson

INSPECTOR