



Appeal Decision

Site visit made on 22 March 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/W4705/D/21/3287247

16 Puffin Close, Bradford BD6 3XZ

- 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 Cox against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/04618/HOU, dated 7 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is 2 storey extension to rear of property to extend full width and 3 metres from existing depth.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the Council raised no objection to the front porch extension. I have no reason to disagree with that assessment and will not deal with that aspect of the proposals any further, and just deal with the merits of the rear extension.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the adjacent residents with particular reference to the potential for overshadowing.

Reasons

4. The appeal site is a semi-detached two-storey stone-built property with tiled roof, located within a residential area. The appeal proposals seek to erect a two-storey extension to the rear of the property, which has a stepped rear elevation. As a result, the extension extends the property between approximately 3 metres and 3.9 metres, across the full width of the existing rear elevation.
5. The appeal proposal would result in the two-storey extension projecting approximately 3.9 metres beyond the rear elevation of the dwelling directly adjacent to the common boundary between the two houses. There is no technical information before me in respect of sunlight or daylight.
6. Nevertheless, it was apparent from my site visit that the combination of the orientation of the properties, the narrow width of the properties and the position of the window openings would result in the proposal overshadowing

the rear elevation of the neighbouring house. This would occur in the morning through to the early afternoon.

7. I am aware that the two windows affected on the neighbouring property are a rear ground floor garage window and a first floor obscurely glazed bathroom window, which ordinarily would not be considered as 'habitable' windows, but there is also a conservatory on the rear of the No 14 that would also lose some sunlight if the extension was to be built. Also, the overshadowing may well result in the need to use the light to the bathroom during the day.
8. Whilst this overshadowing would only occur for part of the day, it would, nonetheless, have a marked adverse effect on the neighbouring property and, as a result, be harmful to the living conditions of the occupiers of that property.
9. In conclusion on this matter, I find that the level of overshadowing from the proposal renders the extension contrary to Policy DS5 of the Bradford District Core Strategy (2017) which expects development, amongst other matters, to not harm the amenity of existing residents.

Other Matters

10. I note that the appellant has stated that the adjacent neighbour has not objected to the rear extension, but that is not a reason to allow the appeal. The proposals are judged on their own merits, and I have identified harm if the proposal was constructed.
11. The appellant has also quoted the permitted development regulations, but this related to singly storey extensions, and the example of a two-storey extension has to take into account the step in the rear and the proximity to the boundary. The regulations can be met in certain situations, but this rear extension does not meet the permitted development regulations and requires planning consent.

Conclusion

12. For the reasons given above, I therefore conclude that the appeal be dismissed.

Paul Cooper

INSPECTOR