
Appeal Decision

Site visit made on 6 July 2022

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 August 2022

Appeal Ref: APP/W4705/C/22/3296371

12 Daisy Hill Grove, Bradford BD9 6DR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Zara Hussain against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The enforcement notice is dated 24 February 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of a single storey extension to the rear of the property, as shown in the photographs attached to the enforcement notice.
 - The requirements of the notice are: i. Demolish the unauthorised building. ii. Remove all arising materials from the land. iii. Alter the single storey extension to the rear of the building in order that it accords with planning permission reference 19/03901/HOU, dated 7 November 2019, and all its terms and conditions.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
-

Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under s.177(5) of the 1990 Act as amended for development already carried out, namely the construction of a single storey extension to the rear of the property at 12 Daisy Hill Grove, Bradford BD9 6DR.

Ground (a) and the deemed planning application

Main Issue

2. The main issue is the effect of the development on the living conditions of existing and future neighbours at 10 Daisy Hill Grove, with particular reference to outlook and provision of daylight.

Reasons

3. The appeal site is a semi-detached house in an area of similar dwellings. The unauthorised development comprises a single storey extension that projects to approximately 4m from the rear of the property. Planning permission ref: 19/02353/HOU was sought for the extension as built, but this was refused.
4. In response to the Council's concerns over the effect of the development on living conditions at the adjoining 10 Daisy Hill Grove, planning application ref:

- 19/03901/HOU was submitted. This application proposed an amendment whereby the rear extension would project to a depth of 3m on the side next to No 10. The wall would then return for a length of about 1m parallel to the back of the house, and then project out by a further 1m to a total depth of 4m.
5. This arrangement would have the effect of stepping the bulk of the extension away from the boundary at the 3m point. Planning permission was granted for this revised scheme on 7 November 2019.
 6. The Council's document entitled 'Householder Supplementary Planning Document' (HSPD) sets out guidance for extensions to dwellings. Design Principle 3 recommends the maximum depths for single storey rear extensions in order to mitigate the effects on the living conditions of neighbours. In cases where extensions to semi-detached houses are to be located close to the boundary with a neighbouring property, these should extend by a maximum of 3m. In the case of detached houses, single storey extensions may project to a depth of 4m.
 7. At No 10, there is a window in the ground floor rear elevation that appears to serve a habitable room. The appellant has provided a photograph of the window, with annotations estimating that the edge of the window is about 170cm from the wall of the extension. The photograph also shows that there was a timber fence between the two properties.
 8. The main outlook from the back of No 10 is along the rear garden of the property, and this has not been changed by the presence of the new extension. It appears that the outlook from the window towards No 12 was already somewhat limited by the fence, although it is unclear from the evidence what height it was. The permitted scheme allowed for the introduction of a 3m side wall that would have intruded on the natural line of sight from that window towards No 12, and curtailed any outlook over the rear plot of No 12 that was previously available.
 9. As built, the side wall extends to 4m in depth, with its roof sloping down towards its rear elevation. That being the case, the addition of 1m to the side wall where it reaches its lowest height has made a small difference to the outlook available from the neighbouring ground floor window. However, there is little evidence to show that this change has harmed outlook sufficiently to warrant the withholding of planning permission.
 10. In terms of daylight, the rear of No 10 faces approximately south, and therefore receives strong daylight, if not direct sunlight, for much of the day. The extension is situated to the east of No 10, and so has little effect on the amount of daylight within the room at No 10. There is little evidence that the additional 1m to the side wall of the new extension has had a significantly adverse impact on the living conditions at No 10 in this regard.
 11. Therefore, whilst the unauthorised development departs from the HSPD's guidance in respect of the overall recommended depth, I conclude that no material harm to the living conditions or existing or future residents has arisen from it.
 12. I therefore find no conflict with Policy DS5 of the City of Bradford Core Strategy Development Plan Document (CS), insofar as it resists development that would

harm the amenity of existing or prospective residents, or with the National Planning Policy Framework, which seeks a high standard of amenity.

Conclusion

13. For the reasons given above, I conclude that the appeal on ground (a) should succeed and I direct that the enforcement notice be quashed.

Elaine Gray

INSPECTOR