



Appeal Decision

Site visit made on 20 September 2022

by L Hughes, BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/W4705/D/22/3303982

Cowlings, Bude Road, Bradford, BD5 8LA

- 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 Imran Qureshi against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/01146/HOU, dated 11 March 2022, was refused by notice dated 6 May 2022.
 - The development proposed is a rear granny annexe extension, front porch and new roof to front.
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Decision

1. The appeal is allowed and planning permission is granted for a rear granny annexe extension, front porch and new roof to front at Cowlings, Bude Road, Bradford, BD5 8LA, in accordance with the terms of the application, Ref 22/01146/HOU, dated 11 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing/Proposed Plans and Elevations 22/2802/IQ1, 22/2802/IQ2, 22/2802/IQ3, 22/2802/IQ4, and Site Plan 22/02802/IQ5.
 - 2) The development hereby permitted shall be constructed using external facing and roofing materials as shown on the plans and to match in colour that of the main dwelling building.
 - 3) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the relevant phase of development is resumed or continued.

Preliminary Matters

2. The appeal proposal is partly retrospective, with the rear annexe being the only part which has not been constructed. The Council raises no objection to the front porch and the new roof to front, so I have focused my decision solely on the rear annexe.

Main Issues

3. The main issues are:

- The effect of the development on the character and appearance of the area; and
- The effect of the development on the living conditions of the occupiers of 267 and 269A Rooley Lane, with particular regard to outlook and daylight and sunlight.

Reasons

Character and appearance

4. The subject property is a substantial detached dwelling within large grounds at the head of a cul-de-sac, with its rear garden bounded by a stone wall and hedge separating it from the major highway of Rooley Lane directly beyond. This immediate stretch of Rooley Lane consists of multiple lanes of carriageway, including a junction with pedestrian crossing points.
5. The proposal is for an outbuilding annexe within the rear garden, with its rearmost point from the dwelling being in line with the adjacent dwelling frontages facing onto Rooley Lane. The proposed annexe would be viewed within that streetscene context, as well as within its own garden context and from adjacent properties. I note that the Council considers that the proposed materials of stone and render under a slate roof are appropriate in the context of the site and the neighbouring properties.
6. Both parties agree that the key difference between the proposal and an extant planning permission for an annexe in the same location¹ is the increase in its height. While the stated measurements differ slightly between the parties and are not labelled on the plans, taking the largest this would be an increase in the approved ridge height of 0.6m. I find that this fallback has a real prospect of implementation and therefore my assessment is focused solely on the additional impact of this height increase.
7. The annexe would be relatively substantial, and within the Rooley Lane streetscene context would be viewed as a single storey building. However, regardless of whether this would create the impression of its function as a separate dwelling, or as its intended use as an ancillary outbuilding, it would blend into this streetscene and would not be overbearing. It would be significantly lower than the adjacent dwelling fronting onto Rooley Lane. To the other side of those conjoined properties there is also a single storey building, which gives precedent for a range of heights within the streetscene. The annexe would respect the set-back from the highway, and would provide some interest in its elevations through fenestration. Its massing would also be hidden to a reasonable extent both by the wall and hedging, and by the row of mature trees in the verge directly adjacent, notwithstanding their seasonal leaf drop.
8. Within the host garden, sufficient space would remain such that the annexe would not appear cramped or unduly prominent. When viewed from the windows of neighbouring dwellings, its context would suggest an ancillary building within the garden, and be framed by the intervening high wall. The

¹ 19/05241/HOU

impact of the increased height in this regard compared to the extant permission therefore does not justify a refusal on character and appearance.

9. In conclusion therefore, the development would not result in harm to the character and appearance of the streetscene, and would comply with Policies DS1 and DS3 of the Bradford Core Strategy Development Plan Document (2017). These policies aim for proposals to achieve good design, and to ensure that new developments create a strong sense of place appropriate to a good understanding of their context, specifically in relation to scale, and in responding to the existing positive patterns of development which contribute to the character of the area.
10. The development would also comply with guidance in the Bradford Householder Supplementary Planning Document (SPD), in that the size, position and form of outbuildings should not dominate the neighbouring properties, and should maintain or improve the character of the wider area.

Living conditions

11. No. 267 Rooley Lane includes a small rear garden, which would be almost entirely closely bordered on one side by the annexe. Outlook particularly from its ground floor rear windows would be slightly affected as a result. However, this outlook already includes a high stone wall along the full boundary length. While the annexe would rise further above this wall compared to the extant permission, it would not be of such dominance as to give rise to a significant impact with particular regard to outlook and daylight. The first-floor windows are sufficiently distant from the ridge point that the height increase would similarly not cause harm to these oblique views.
12. While the proposal would create a slight increase in overshadowing resulting in a reduction of sunlight to the rear garden of No. 267, this already occurs to a large extent because it is a north facing garden with large shadows also caused by the house itself, and by the existing high wall. Similarly, there would not be an unacceptable impact on daylight entering its rear habitable windows as they are north facing and already shadowed by the wall.
13. No. 269A is slightly further away from the proposed annexe to its north, with no garden and what appears to be only first floor windows. There would thus also be no harm arising to its occupants as regards outlook or light.
14. In conclusion, the development would result in an acceptable impact on the living conditions of the occupiers of 267 and 269A Rooley Lane, with particular regard to outlook and daylight and sunlight. This would comply with the Core Strategy Policy DS5, which aims for proposals to make a positive contribution to people's lives, and specifically seeks to not harm the amenity of existing or prospective users and residents. The development would also align with the guidance in the SPD which outlines that outbuildings should not have an overbearing impact on any neighbour or significantly reduce the daylight reaching their habitable rooms or well used part of their garden.

Conditions

15. In the interests of certainty, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, and a condition to require external facing and roofing materials to match in colour that of the main dwelling building due to the importance of this in the streetscene.
16. I have also imposed a condition to address unexpected contamination encountered on site due to advice that a former landfill site is sited nearby.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude the development accords with the development plan taken as a whole, and therefore that the appeal should be allowed

L Hughes

INSPECTOR