
Appeal Decision

Site visit made on 3 April 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal Ref: APP/W4705/D/22/3313400

4 Hawes Avenue, Bradford BD5 9AY

- 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 I Hussain against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/03519/HOU, dated 9 August 2022, was refused by notice dated 6 October 2022.
 - The development is described as proposed rear first floor extension as built.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted on my site visit that the development had been carried out. From the evidence before me, it is clear that the proposal is to retain the development that has already occurred, and I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the extension on the living conditions of the occupants of 2 Hawes Avenue, with particular reference to outlook, sunlight and daylight.

Reasons

4. No 4 is a two-storey, semi-detached dwelling located within a residential area. The dwelling has a large single storey extension. The single storey extension was subject to a prior notification application¹. The scheme before me only relates to the first-floor extension, and there is no substantive evidence before me to suggest that the single storey extension was not built and in use before the addition of the first-floor extension. Therefore, I have only assessed the first-floor extension.
5. 2 Hawes Avenue sits at a lower level to No 4, due to the topography of the area, and sits at an angle. No 2's rear elevation faces towards the appeal site and the extension. The rear elevation contains windows serving the living room, porch, kitchen, bedroom, landing, WC and bathroom. Some of the windows serve non-habitable rooms, have obscure glazing and some of the rooms benefit from two windows. Having said that, a significant number of No 2's windows face towards the extension and there is a limited gap between the extension and the windows.

¹ 20/03971/PNH

6. No 2 also has a private amenity space adjacent to the extension and an area of private amenity space towards the front of the property which is relatively private due to the height of the boundary hedge. The size of the private amenity spaces is limited.
7. The appellant has submitted sun path analyses and highlight that the siting of the extension is at the point where there is an increased gap between the rear elevation of the host property and No 2. However, No 2 is particularly sensitive to any further overshadowing resulting from the increase scale of the host property due to the siting of No 4 (including the existing large single-storey extension) in relation to No 2. Furthermore, the occupier of No 2 has highlighted, in their objection comment, that the extension blocks out light to the rear of their home and they need to have lights on during the day.
8. Whilst No 4 already overshadowed No 2 at certain times of the day, the proposal unacceptably exacerbates the loss of light to No 2. The extension results in No 2 being further overshadowed for much of the afternoon and results in an unacceptable loss of light to No 2's rear elevation windows. This is because of the orientation of the sun, topography of the area, limited gap between the extension and No 2's windows as well as the extension's height and length. Similarly, the extension results in an unacceptable loss of light to No 2's private amenity space because of the limited size of No 2's private amenity space, orientation of the sun, topography of the area as well as the extension's height and length.
9. In relation to outlook, the appellant highlights that the extension results in the side elevation area increasing by less than 15%, the extension is located at the point where the gap between the dwellings increases and set out sight lines. The Council state that the plan showing the street scene is incorrect, and the distance between the dwellings is less than that shown on the plan.
10. I observed on my site visit that when viewed from No 2, the extension is a dominant addition and has an overbearing effect on the outlook from the rear elevation windows and private amenity space, with the effect of feeling hemmed in. This is due to limited gap between the extension and No 2's windows, the topography of the area, No 2's limited private amenity space and the extension's height and length.
11. For these reasons I conclude that, due to its depth, scale and siting, the extension has an unacceptable effect on the living conditions of the occupants of 2 Hawes Avenue, with particular reference to outlook, sunlight and daylight. Consequently, it conflicts with Policy DS5 of the Local Plan for the Bradford District: Core Strategy Development Plan Document (2017). This states, amongst other things, that development proposals should not harm the amenity of existing or prospective users and residents. The extension also conflicts with the Council's Householder Supplementary Planning Document (2012). This states that extensions should not over dominate, seriously damage outlook or unacceptably reduce natural daylight reaching any neighbours' property.

Conclusion

12. For the reasons given above, having considered the development plan as a whole, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR