
Appeal Decision

Site visit made on 19 July 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal Ref: APP/W4705/D/23/3323486

55 Low Fell Close, Keighley, Bradford BD22 6ER

- 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 J Holmes against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/00701/HOU, dated 28 February 2023, was refused by notice dated 14 April 2023.
 - The development proposed is single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 59 Low Fell Close (No.59) with regard to whether the extension would form an overbearing feature when viewed from that property.

Reasons

3. Site levels slope upwards from east to west and the situation at the site is such that the side elevation of the appeal property sits almost directly adjacent to the western rear garden boundary of No.59. The appeal property sits at a notably higher level. The garden at No.59 is not especially deep.
4. Given this arrangement, there is no escaping that the extension would form an imposing feature when viewed from the garden and ground floor rear windows at No.59. I was able at my site visit to view the development site from both the garden and rear kitchen/diner at the neighbouring property.
5. The extension would form an imposing feature when viewed from the garden, including the privacy screen, extending across the remainder of its width which is not already closely faced by the main side elevation of the host property.
6. There would still be outlook available to the north, a direction in which land levels fall. However, the single storey rear extension would form an unacceptably overbearing feature from within the garden of No.59. This is particularly the case given that the garden is of limited depth, as a result of the projection of the extension relative to the neighbouring garden and taking account of the land level differences.

7. Further, when looking out of the rear kitchen/diner windows at No.59, the extension would form an overbearing feature as it would significantly reduce the available outlook in a westerly direction.
8. By reason of the above matters, the proposal would cause significant harm to the living conditions of the occupiers at No.59. It would therefore conflict with Policy DS5 of the Core Strategy (2017) which amongst other things requires that development proposals should not harm the amenity of existing residents. There would also be conflict with Design Principle 3 of the SPD¹, which amongst other things states that extensions should not seriously damage outlook.

Other Matters

9. Reference has been made to the SPD guidelines. However, I have afforded these limited weight. The SPD indicates that where a significant level change exists, guidelines can be adjusted and that such cases should be judged on their own merits.
10. My attention has been drawn to an extension at No.1 Low Fell Close. I was able to view that site on my visit. However, that site is not comparable as the land levels between the host dwelling and that to the west are more similar and there is a much greater separation distance. I therefore afford this matter limited weight.
11. I note that the appellant requires additional space for an expanding family and I afford this matter weight, albeit this is outweighed by the significant harm identified. I accept that the Town Council have offered no objections.

Planning Balance and Conclusion

12. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR

¹ Bradford Householder Supplementary Planning Document 2012.