



Appeal Decision

Site visit made on 24 October 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2023

Appeal Ref: APP/W4705/D/23/3329677

7a Eastwood Crescent, Cottingley, Bradford BD16 1NW

- 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 Tahmima Tahir against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/01864/HOU, dated 25 May 2023, was refused by notice dated 18 July 2023.
 - The development proposed is double storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: -
 - The effect of the development on nearby residents, with specific reference to the potential overbearing nature of the development, overshadowing and loss of privacy.
 - The effect of the development on the character and appearance of the host dwelling.

Reasons

3. The appeal property is a detached dwelling of smaller proportions than the two dwellings either side. It is located in a predominately residential area. Eastwood Crescent is largely made up of detached dwellings with no particular design pattern.
4. The proposal is for a rear two-storey extension. It would extend out from the rear approximately 5m, following the same roof profile as the existing property. An existing single storey extension and an area of decking would be removed.

Effect on residents

5. There are two strands to this issue, the effect of the proposal on the living conditions of No7 Eastwood Crescent with regard to the potential for the proposal to be overbearing and cause overshadowing, and the potential for loss of privacy from overlooking to Nos 67 and 69 Roundhill Avenue. I will deal with these in turn.

6. The proposal is located to the southern side of No7, so any potential for overshadowing would be maximised given the relative positions of the two residential properties.
7. The projection, at approximately 5m in length, being of solid construction, would have a material effect on the living conditions of No7, by the massing and nature of the extension. Given its scale, massing and proximity to the boundary, the two-storey extension would appear as an imposing feature when viewed from the rear of No7. This significantly reduces the neighbour's outlook resulting in an unacceptable overbearing impact and an uncomfortable sense of enclosure from the proposal.
8. As the extension is situated to the south of No 7, there is also loss of light to the rear of the property due to an overshadowing effect. I have noted the sun path analysis data prepared by the appellant, but I am not convinced that this accurately depicts the level of overshadowing that the occupants of No7 will perceive to the rear of their property and private amenity area, were the proposals to be constructed.
9. As such, I find that material harm would be caused to the living conditions of No7 Eastwood Crescent from the scale, massing and sunlight orientation of the proposal were it to be constructed.
10. With regard to the issue of loss of privacy to the residents of Nos 67 and 69 Roundhill Avenue to the rear, due to the relative positions of the properties, their distance from each other, and the oblique angle from any proposed rear windows, I do not find that this would lead to any material harm to those existing residents.
11. Regardless of my finding on this matter, I find that the two-storey rear extension would result in significant harm to the living conditions of the occupiers of Ns 7 Eastwood Crescent in terms of its overbearing nature, and loss of natural light from the relative position of the proposal. It is therefore contrary to Policy DS5 of the Core Strategy Development Plan Document (2017) (the DPD), which, amongst other things, expects development to not harm the amenity of existing residents.

Character and appearance

12. During my site visit I observed that whilst there are dwellings in the area that appear to have been altered and/or extended, such changes tend to appear in keeping with the original character of host properties and with the surrounding area as a whole.
13. The proposed development would involve a considerable extension to the rear of the dwelling, including an offset section, making it wider than the host property, resulting in an unduly awkward appearance drawing attention to itself as an incongruous feature.
14. The harm arising as a result of the above would be exacerbated as a result of the disproportionately large extension to the rear of the dwelling and the offset element, whereby the combination to the rear at a two-storey height would result in the proposal failing to appear subordinate to, but rather, overwhelming and subsuming the original appearance of the host dwelling.

15. Consequently, I find that the proposal would harm the character and appearance of the host building and the area, contrary to DPD policies DS1 and DS3 which, amongst other matters, expect development to have a good understanding of the site and context, display architectural quality and tailor solutions to the site.

Conclusion

16. The proposal does not accord with the development plan as a whole and there are no other considerations, including the National Planning Policy Framework, that indicate I should take a different decision other than in accordance with this.
17. For the reasons outlined above, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR