



Appeal Decision

Hearing held on 16 April 2024

Site visit made on 18 April 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2024

Appeal Ref: APP/W4705/W/23/3332132

14 Newlands Avenue, Bradford BD3 7EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Tariq Ayub against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 23/00664/HOU.
 - The development proposed was originally described as proposed rear facing single storey extension for disabled persons residential use.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed rear facing single storey extension for disabled persons residential use at 14 Newlands Avenue, Bradford BD3 7EZ in accordance with the terms of the application, Ref 23/00664/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: 01; 05, 10A; and 11.

Preliminary Matters

2. The Council's decision notice included a single reason for refusal, which referred to effects from overshadowing, overbearing and a loss of outlook. The Council also raised concerns regarding effects on the character and appearance of the area. However, during the Hearing the Council confirmed that it did not consider this to warrant a reason for refusal. Moreover, due to the orientation of the property, relative to the neighbouring dwelling, the Council confirmed that any overshadowing would be limited to evening sun and not significant. These discussions have informed the following main issue.

Main Issue

3. Accordingly, the main issue is the effects of the proposal on the living conditions of the occupiers of No 16 Newlands Avenue (No 16) with particular reference to outlook.

Reasons

4. The appeal property is a two-storey semi-detached dwelling located within a residential area. The property has been extended to the rear with a two-storey extension, which projects out by approximately 3.5m. This means the proposed

- 6m rear extension, subject of this appeal, would project out approximately 9.5m from the original rear façade of the host property.
5. The Council's Householder Supplementary Planning Document (SPD) says, amongst other things, that for attached houses, single storey extensions should not normally exceed 3m in depth. In this regard, the proposal would be at odds with the guidance in the SPD.
 6. However, since the application was determined, groundwork on an extension at No 16 has commenced. This follows the Council's approval of a prior notification scheme for a 6m rear extension (Ref: 23/00501/PNH). I give significant weight to this neighbouring extension as work has commenced. In this regard, the resulting built form from the existing extension and the proposal before me would project out approximately 3.5m beyond the neighbouring approved prior notification scheme.
 7. The boundary between the appeal premises and No 16 gently splays away from No 16 and the proposed extension follows this angle. The combination of the angle of the proposed extension, the distinctly low pitch and modest height of its roof, and the long spacious garden of No 16, would ensure that No 16 would not be unduly hemmed in by the proposed extension. The proposal would not, in this regard, appear overbearing. The built form would be to the side of the boundary of No 16, would not be imposing and the spacious and open outlook to the rear would remain. Taken together, the change in outlook from No 16, and its garden, would not be harmful.
 8. I therefore find that the proposal would not result in harm to the living conditions of the occupiers of No 16 with particular reference to outlook. As such, although there would be conflict with the detailed guidance in the SPD, I find that the proposal would still comply with the requirements of Policies DS1 and DS5 of the Council's Core Strategy, and paragraph 135 of the National Planning Policy Framework, when taken together and in so far as they relate to this matter. These say amongst other things, that development should not harm the amenity of existing residents.

Other Matters

9. Due to the orientation of the appeal property to the north of No 16, and the height of the proposal, any overshadowing or loss of daylight from the proposal would not be unacceptable.
10. The proposed extension would appear subservient in scale to the host property and its existing extension. The rear of neighbouring properties is characterised by several extensions of various sizes, including a mixture of two-storey and large single storey extensions. In this context, the proposal would not harm the character and appearance of the surrounding area.
11. The Council consider there to be other means of meeting the appellant's need for additional space and these personal circumstances were discussed at the Hearing. Had I found harm in relation to the living conditions of No 16, these personal circumstances would have been considered as a main issue. However, given my findings in relation to the living conditions of No 16, the need for additional space, or possible alternative means of securing any such space are not determinative matters in this instance. As such, I have not considered them further.

Conditions

12. I have adapted the Council's suggested conditions where necessary in the interests of precision. In addition to the standard implementation condition (1), a condition (2) is necessary to ensure the development is carried out in accordance with the plans submitted with the application.

Conclusion

13. To conclude, the proposal would accord with the development plan when read as a whole and there are no material considerations that indicate the proposal should be determined other than in accordance with it. For the reasons given above, the appeal is allowed subject to conditions.

Mr R Walker

INSPECTOR

APPEARANCES:

FOR THE APPELLANT:

Tariq Ayub	Appellant
Shazia Ayub	Appellant's sister

FOR THE LOCAL PLANNING AUTHORITY:

Hannah Cook	City of Bradford Metropolitan District Council
Andrew Moxon	City of Bradford Metropolitan District Council

DOCUMENTS:

Photographs of the appeal site