



Appeal Decision

Site visit made on 2 January 2024 by A Khan BSc (Hons) MA

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2024

Appeal Ref: APP/W4705/D/23/3329222

11 Staveley Road, Shipley, Bradford BD18 4HD

- 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 Mr Khalil Hussain against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 23/01486/HOU.
 - The development proposed is a single-storey rear extension and rear dormer window (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension and rear dormer window (retrospective) at 11 Staveley Road, Shipley, Bradford BD18 4HD in accordance with the terms of the application reference 23/01486/HOU and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Elevations 102 REVB 28.04.2023, Proposed Floor Plans 119 REVB 28.04.2023, Site Plan 101 REVB 28.04.2023, Existing and Proposed Elevations 103 REVB 28.04.2023, Proposed Elevations 104 REVB 28.04.2023 and Proposed Floor Plans 118 REVB 28.04.2023.
 - 2) Prior to the first occupation of the development hereby permitted, the proposed window in the side elevation of the single storey extension shall be fitted with and thereafter retained as obscure glazing.
 - 3) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no windows, including dormer windows and other than those hereby permitted, shall be inserted in the elevations or roof of the single storey extension hereby permitted.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Since the Council's decision was issued, the appellant has made some changes to the scheme. These relate to minor matters of elevation treatment, windows and glazing. They do not, individually or cumulatively, amount to fundamental

alterations to the scheme as it was considered by the Council. No party would therefore be prejudiced by my acceptance of revised plans to the above effects. For the same reasons, I have taken the description of development from the Council's decision notice which, in any case, most accurately, clearly and concisely describes the development to which the appeal relates.

4. The National Planning Policy Framework was revised during the life of the appeal. The substantive elements thereof as they relate to the appeal scheme have not changed. I have not therefore sought the views of the main parties.

Main Issue

5. There are two main issues. These are the effect of the proposal on a) the character and appearance of the area; and b) the living conditions of the occupiers of neighbouring dwellings.

Reasons for the Recommendation

Character and Appearance

6. The dormer element is something of a bulky feature and in running close to the full width of the dwelling it dominates the rear roof profile, resulting in a top heavy appearance. There are limited public views of the dormer with it being to the rear albeit there are a number of surrounding gardens from where it is obvious. The side elevation of it can also be glimpsed from the street. Suitable materials do not make up for the adverse effect of the overall size, location and positioning of the dormer element.
7. This element of the scheme would therefore be harmful to the proportions and design of the building which would translate to harm to the character and appearance of the area, despite the variety of different architecture and scale to dwellings in the immediate vicinity. This would lead to conflict with Policies DS1 and DS3 of the Bradford District Core Strategy Development Plan Document (Core Strategy) which seek to ensure, amongst other things, that development achieves good design and high quality through understanding of the site and its context, as well as retaining urban character and identity.

Living Conditions

8. The single-storey rear extension wraps around to join the side extension at the neighbouring boundary of no. 13 Staveley Road. This extension is closer to the side boundary than the sunroom which it has replaced, however, the proposal does not exceed the side boundary distance of the existing swimming pool building. The shared stone boundary wall separates the neighbouring property's rear garden space from the appeal property's which, along with the side gap between, the use of a flat roof and the overall height of the extension, acceptably reduces any overbearing effect.
9. The side window of the extension looks directly towards No.13 at close quarters; however, obscure glazing is proposed which would acceptably mitigate against any loss of privacy and can be secured through condition. The amended plans and the scheme as built at the time of my site visit show that the flat roof cannot be accessed via the first floor as the original door is now a full length window. This mitigates the overlooking and privacy harm to surrounding neighbouring occupants on Staveley Road and Nab Lane by preventing people accessing the roof as a terrace.

10. The dormer faces neighbouring properties but, there is a significant distance between it and neighbours on Nab Lane. In addition, the dwelling already has rear facing windows on the first floor which offer views of a very similar nature. With this and the above in mind, the proposal does not harm the living conditions of neighbouring occupiers and, as such, accords with Core Strategy Policy DS5 and the Bradford Householder Supplementary Planning Document which require, amongst other things, that development does not harm the amenity of existing or prospective residents.

Other Matters

11. The appeal site is located within the Saltaire World Heritage Site buffer zone. That said, there is no compelling evidence to point me away from the Council's view that the proposal would not have a harmful impact thereon. In addition, and as the trees subject to preservation orders referred to by third parties are not directly related to the scheme before me (and the Council's Enforcement Team are currently investigating them), it is not a matter which I have considered any further.

Conditions

12. The time condition is not required due to the proposals seeking retrospective planning permission. I have referred to the approved plans for enforcement purposes, as well as conditions restricting glazing type and new window openings to protect the living conditions of the occupants of neighbouring properties. A condition to restrict alterations to the roof of the single storey extension to prevent it being used as a balcony would not be necessary as the installation of such would require express planning permission in its own right.

Conclusion and Recommendation

13. Whilst I have found harm in regard to the first main issue, I am mindful of the Council's confirmation, which is not contended by the appellant, that the size and position of the dormer element of the scheme would be acceptable under the allowances of the relevant class of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). There is nothing compelling before me to lead me in a different direction. I recommend that, taking into account the lack of harm I have found in regard to the second main issue, that this matter is relevant and worthy of substantial weight as a fallback position. Such that it would indicate a decision other than in accordance with the development plan. I therefore recommend that the appeal should be allowed, subject to the conditions set out above.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions set out.

John Morrison

INSPECTOR