



Appeal Decision

Site visit made on 19 June 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2024

Appeal Ref: APP/W4705/D/24/3339437

2 Goose Cote Way, Keighley, West Yorkshire BD22 7NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Muhammad Nadeem against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/00060/PNH.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subject to limitations and conditions, Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) grants planning permission for the enlargement of a dwellinghouse. An objection from an adjoining premises has been received. Class A.4(7) therefore requires the prior approval of the local planning authority as to the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations.
3. Class A.4.(3) states that the local planning authority may refuse a prior approval application where in its opinion the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations, or restrictions specified as being applicable to the development in question. It was on this basis that the Council refused to grant prior approval, and my determination has been made on the same basis.
4. The provisions of Class A do not require consideration of the development plan. I have therefore had regard to its policies cited on the decision notice, and the National Planning Policy Framework ('the Framework') (2023), only insofar as they are relevant to matters of amenity and provide evidence to support my planning judgment.

Main Issue

5. The main issue is whether the proposed extension would comply with the permitted development requirements set by Article 3, Schedule 2, Part 1, Class A of the GPDO, with specific regard to the impact of the proposed development on the amenity of any adjoining premises.

Reasons

6. The site comprises a semi-detached dwelling at the entrance to the cul-de-sac of Goose Cote Way. It has garden to 3 sides, with a low boundary wall. To the rear this separates it from a single track lane providing access to the row of dwellings behind. The proposal is for a single storey rear extension, of 4.5m depth, 3.0m height to the eaves, and a maximum total height of 4.0m. Elevations plans are not required under the prior approval route, and none have been submitted. I have therefore based the potential impact of the proposal on the maximum size and massing which would be permitted.
7. A rear predominantly glazed conservatory on the conjoined dwelling of No. 4 Goose Cote Way extends out 3.4m along the shared rear boundary line. The appellant suggests their extension would not be hugely different in depth to this. However, I find the additional 1.1m depth would be significantly larger in comparison, including cumulatively with its overall massing, and in the context of the limited depth and overall size of the rear gardens. As such, it would have an over-dominant and enclosing effect on the conservatory's rear windows and on the adjacent part of the neighbouring garden. It would thus harmfully affect the amenity for occupants of that adjoining premises.
8. The Council also considers that overshadowing would affect amenity. While the dwellings' orientation means that the sun primarily hits their frontages rather than their rears, the proposed extension would block at least some morning sun from the conservatory's roof and rear windows. Therefore, more precise details of this relationship are required in order to have confidence that no harmful overshadowing would occur.
9. Insofar as is relevant, the proposal would conflict with Policy DS5 of the Local Plan for the Bradford District Core Strategy Development Plan Document (2017), which amongst other matters, seeks for development to not harm the amenity of existing or prospective residents. It would also similarly conflict with the Householder Supplementary Planning Document (2012) Design Principle 3, whereby extensions should not over dominate, seriously damage outlook, or unacceptably reduce natural daylight reaching any neighbours' property. To ensure this, its Section 3 identifies a maximum acceptable depth of 3.0m for rear extensions in order to limit the impact on the amenity of neighbours. The Framework paragraph 135 also requires developments to have a high standard of amenity for existing and future users.
10. I do accept that there would be no privacy impact on No. 4 from overlooking, as conditions could restrict windows on that elevation. I also agree with the Council that the separation distance is such that there would be no overlooking into No. 2 Moorcroft Avenue to the rear.
11. Overall however, it has not been demonstrated that the proposed single storey rear extension would satisfy the requirements of Schedule 2, Part 1, Class A of the GPDO, and therefore is not development permitted by it. The proposed development would not comply with the limitations and restrictions specified as being applicable, in that it has not gained prior approval as it would harmfully impact on the amenity of adjoining premises.

Other Matters

12. The interested party at No. 4 Goose Cote Way has also objected because the extension would leave them unable to access and maintain the windows and guttering on the side of their conservatory. However, the appellant is entitled to build up to their property line.
13. The street contains multiple other rear extensions, but they do not set a precedent in this instance, as their presence does not reduce the amenity impact which would be caused. I note that the Town Council has made no objection and recommended approval, however, I have come to a different conclusion for the reasons outlined above.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is not permitted development under Schedule 2, Part 1, Class A of the GPDO. Consequently, it is a development for which an application for planning permission would be required.

L N Hughes

INSPECTOR