



Appeal Decision

Site visit made on 25 June 2024

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2024

Appeal Ref: APP/W4705/D/24/3343317

195 Dudley Hill Road, Bradford, West Yorkshire BD2 3AE

- 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 Mr Zeeshan Shahid against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/00772/PNH.
 - The development proposed is larger rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. In this case, objections were received from the occupants of No.191 and this has informed the main issues of the appeal.
5. The Council has cited development plan policies; however, the principle of the development is established by the GPDO, and the prior approval provision does not require regard to the development plan. I have therefore had regard to those policies and guidance insofar as being material to the matters which prior approval is sought.

Main Issue

6. The main issue is the impact of the proposed extension on the living conditions of the occupants of neighbouring properties, with regard to outlook and light.

Reasons

7. 195 Dudley Hill Road is a mid-terrace dwelling, and it was clear from my site visit that the proposal would introduce a sizable single storey rear extension with a height to eaves of 3 metres (m), ridge height of 4m and a projection of some 6m directly along the shared boundaries with No.197 and No.193. It is separated to the rear from neighbouring properties by timber fencing with open aspects to properties to the north and the south that share the terrace row.
8. Both neighbouring properties at No.197 and No.193 have rear ground floor openings including windows and doors. It is likely given the proximity of these to the boundary, where the proposed extension would be sited and due to its height and depth would result in some overshadowing leading to the loss of light to these openings particularly in the daytime to the rooms they serve. Thus, resulting in an adverse impact and causing harm to the living conditions of those occupiers.
9. Furthermore, given the height and depth of the proposed extension it would appear on each of the side elevations as a stark overbearing blank wall and would be directly imposing when viewed by neighbouring occupiers. This is exacerbated by the siting of the extension being positioned almost directly along the shared boundaries. Therefore, it would significantly impact on their living conditions in terms of outlook, and to the detriment of what neighbouring occupiers currently reasonably enjoy from within their garden areas and views from existing ground floor openings. In addition, the proposed extension would result in a significant enclosing effect to the occupiers of No.197 due to the existing situation of a lean-to extension already in situ to the south.
10. For these reasons, I conclude that the proposal would cause significant and demonstrable harm to the living conditions of neighbouring occupiers, with regard to outlook and light. It would insofar as be relevant conflict with Policy DS5 of the Bradford Core Strategy, 2017 which requires that development proposals should not harm the amenity of existing or prospective users and residents. It would also be insofar relevant at odds with the guidance in Design Principle 3 of the Householder Supplementary Planning Document, 2012, which requires extensions to not over dominate, seriously damage outlook or unacceptably reduce natural daylight reaching any neighbours' property and advises extensions close to a boundary should not normally exceed 3m in depth.

Other Matters

11. The appellant suggests that the proposal attributes to the character of the area given its architectural value and distinction, sensitive design, consideration afforded to the local community in terms of visual amenity, access, and egress to the site. However, this does not justify a harmful development on amenity and the extension would be limited in terms of respecting the area as it would only be seen in views from the rear of the property. Nevertheless, my considerations in the appeal are limited to the provisions of the GPDO.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

KA Taylor

INSPECTOR