



Appeal Decision

Site visit made on 14 January 2025

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/W4705/D/24/3354014

18 Hallowes Park Road, Cullingworth, Bingley BD13 5AR

- 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 Miss Ellie Holliday against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/01921/HOU.
 - The development proposed is single-storey side and rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for single-storey side and rear extensions at 18 Hallowes Park Road, Cullingworth, Bingley BD13 5AR in accordance with the terms of the application Ref 24/01921/HOU, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following drawings: Location plan; 01.3; 01.4; 01.5.

Preliminary Matters

2. The description of development given on the planning application form is lengthy and includes reasons for the development and other superfluous information which is not an act of development. I have therefore used the more concise description given on the Council's decision notice.
3. While the application was submitted retrospectively, I saw that the roof of the side extension does not match the proposed plans. For the avoidance of any doubt, my decision is made on the basis of the plans that are before me.
4. Claims that the property is being used for business purposes is not a matter for this appeal.

Main Issue

5. The main issue is the effect of the development on the living conditions of the adjoining occupiers at 16 and 20 Hallowes Park Road, with particular regard to outlook and light.

Reasons

6. The appeal property is one half of a two-storey semi-detached dwelling. The proposal is for single-storey extensions that would wrap around the side and rear of the house, although this includes an open canopy at the rear corner.

7. The Council's Householder Supplementary Planning Document (SPD) advises that where a rear extension is located close to a boundary it should not normally exceed 3 metres in depth. The proposed extensions and canopy would have an overall depth of just over 4 metres and across the full width of the property. Thus, there is a clear technical breach of the SPD in terms of the depth adjacent to the boundaries. Even so, the SPD is guidance not policy and its strict application will not be appropriate in all cases.
8. The adjoining property, No 20, has a rear conservatory, and although it contains windows in the side elevation facing the boundary, the appellant could erect a fence or wall of up to 2 metres in height along this boundary. The flat roof rear extension would be just 1 metre taller than any such boundary treatment and would not project much further beyond the end of the conservatory. Therefore, whilst some of the rear extension would be visible from the rear windows and garden of No 20, it would not be a significant amount or over a great depth. As such, there would not be harm to outlook. Furthermore, as the extension would lie to the north of No 20 it would not cause overshadowing of this neighbour.
9. The side extension would project just 1.75 metres past the original rear wall of the dwelling with the rest of the projection along the boundary with No 16 comprising of the canopy. Thus, only the canopy exceeds the Council's guidelines on this side. However, due to its low height and open sided construction, the physical presence of the canopy would be minimal. It is not uncommon for a property to have a far more substantial garage at the end of the driveway. Moreover, No 16 has a garage extension at the side and the nearest habitable windows in the rear elevation are some distance from the boundary. As such, there would be no harm to outlook. For the same reasons, there would be no harmful overshadowing. While concerns have been expressed relating to maintenance and drainage, these are private or legal matters between the respective parties and do not influence my assessment of the planning merits of the case.
10. I therefore conclude that the development would not harm the living conditions of the occupiers at 16 and 20 Hallows Park Road, with particular regard to outlook and light. Although there is a technical breach of the SPD in terms of depth, I find no conflict with Policy DS5 of the Bradford Core Strategy Development Plan Document (2017) where it seeks to protect the amenity of existing residents.

Conditions

11. As the development has already commenced, it is not necessary to impose the standard time limit condition. However, in order to provide certainty, I do consider it necessary to impose a condition specifying the approved plans. A further condition requiring the use of matching materials is not necessary as this is already indicated on the plans.

Conclusion

12. For the reasons given above, the appeal should be allowed.

A Caines

INSPECTOR