



Appeal Decision

Site visit made on 19 November 2024 by T Morris BA (Hons) MSc

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2025

Appeal Ref: APP/W4705/D/24/3349701

229 Bierley Lane, Bradford BD4 6DN

- 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 S Taylor against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/01648/HOU.
 - The development proposed is 'hip to gable roof conversion; front and rear dormers; change in roof orientation of games room; extension of front porch; side and rear extension in place of rear corner patio'.
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Decision

1. The appeal is dismissed.

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. The 'Description of proposed works' on the application form includes words that are a not description of development and does not fully reflect the development depicted on the plans provided by the appellant. For the purposes of the banner heading, I have therefore used the description of development given on the Council's decision notice as this is more accurate and clearer. It is also the description used by the appellant on their appeal form.
4. I saw on my site visit that the development has already commenced and appears to be largely completed. Therefore, planning permission is sought retrospectively and the appeal has been considered on that basis.
5. The second reason for refusal on the Council's decision notice erroneously refers to 'Policies DS3 and DS5 of the Council's adopted Householder Supplementary Planning Document'. However, it is clear from the first refusal reason and from the documents submitted by the Council that Policies DS3 and DS5 are development plan policies and so they have been applied accordingly within the reasoning for this decision.
6. The reasons for refusal on the Council's decision notice identify that its concerns specifically relate to the rear dormer extension. I have therefore defined the main issues on that basis.

Main Issues

7. The main issues are the effect of the rear dormer extension on:

- i) the character and appearance of the host building and the surrounding area, and
- ii) the living conditions of occupiers of 1 Boy Lane, with particular regard to light, outlook and privacy.

Reasons for the Recommendation

Character and appearance

8. 229 Bierley Lane (No 229) is a detached dwelling situated close to the junction with Boy Lane. The area is primarily characterised by dormer bungalows as well as some two-storey dwellings. There is a cohesiveness to the bungalows due to their pitched or hipped roofs and the modest pitched roof dormer windows which exist to many of the front roof slopes. Whilst there are flat roof dormer windows to the rear roof slope of some of the bungalows, these are mostly small and more often set well in from the outer extremities of their respective roof slopes such as those visible in the photograph on Page 8 of the appellant's Statement of Case. No 229 shares a close-knit relationship with the adjacent properties on Boy Lane and Bierley Hall Grove due to their relatively small rear gardens which back on to each other.
9. Due to its substantial scale and form, the rear dormer extension dominates the rear roof slope of the host building. Together with the extent of brown horizontal boarding, the design and proportions of the dormer unacceptably contrasts with the traditional form, detailing and materials of the host dwelling as well as with the more modestly scaled dormers which characterise the area. Consequently, the rear dormer extension appears as an incongruous addition to the host building and is conspicuous in the area due to its elevated position on the dwelling and the close-knit relationship with surrounding dwellings.
10. The dormer's flat roofed side profile is also discernible from the street and jars with the surrounding pitched and hipped roofs which are more characteristic of the street scene. In any case, limited visibility from the street, does not obviate the need to meet the high-quality design requirements of the development plan. Moreover, paragraph 131 of the National Planning Policy Framework states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
11. The appellant's submission refers to other flat roofed dormers in the area some of which incorporate white horizontal boarding. However, it is the more considerable size together with the unsympathetic materials which combine to form an incongruous development in terms of the appeal development. I have also been referred to a development at 44 Spen View Lane. However, that example is of an altogether different design including modestly proportioned dormers and so is not comparable to the appeal development and does not justify the site-specific harm identified.
12. I conclude, the rear dormer extension has a harmful effect on the character and appearance of the host building and on the surrounding area. In that regard, it conflicts with Policies DS1 (Achieving Good Design) and DS3 (Urban

Character) of the City of Bradford Core Strategy Development Plan Document (DPD) (2017), which require that development proposals achieve good design by being informed by a good understanding of the site/area, to be appropriate to their context in terms of layout, scale, density, details and materials, to retain and integrate existing built features which could contribute to creating a distinctive identity and to respond to the existing patterns of development which contribute to the character of the area.

13. The development also conflicts with the City of Bradford Householder Supplementary Planning Document (SPD) (2012) which advises that extensions should not appear to dominate the original house and should complement the design of the original property and the wider area and that in designing a dormer window regard should be had to any good examples on the street and wider area taking into account their size, position within the roof and detailing.

Living conditions

14. No 229 is situated at an angle relative to No 1 Boy Lane (No 1) and the rear gardens of these properties are small. The boundary between the rear gardens does not have any substantial screening aside from a wooden panel fence and a tree situated towards the end of the garden.
15. Due to the rear dormer extension's angle, elevated position and very close proximity to the boundary with No 1, its closest first-floor bedroom window has a very imposing and direct view over the entire rear garden of No 1. This includes the immediate area adjacent to the dwelling at No 1 which is most likely to be used for sitting out. From what I saw, the extent to which other dormer windows in the area have an appreciation of neighbouring gardens is more typical of a residential environment. They are not comparable to the very direct overlooking and significant loss of privacy that has resulted from the development for occupiers of No 1.
16. Due to the orientation of No 229 relative to No 1, any overshadowing of habitable rooms at their rear elevation and at the rear garden of No 1 is likely to be very limited and restricted to the latter part of the day. Furthermore, due to their angled relationship, any reduction in outlook to habitable rooms at No 1 would be perceptible from an oblique angle only. Even so, due to its considerable proportions and close proximity to the boundary, it is an overbearing feature when experienced from the rear garden of No 1 and this further indicates that the development is harmful to the living conditions of occupiers of this neighbouring property.
17. I conclude, the rear dormer extension has a significantly harmful effect on the living conditions of occupiers of 1 Boy Lane, with particular regard to privacy and outlook when experienced from the rear garden serving this neighbouring property. In that regard, the development conflicts with Policies DS3 (Urban Character) and DS5 (Safe and Inclusive Places) of the DPD, which require that development proposals are appropriate to their context and do not harm the amenity of existing or prospective users and residents.
18. The development also conflicts with the Council's SPD, which advises that extensions and alterations should not cause unacceptable harm to the privacy of neighbours and should not over dominate or seriously damage outlook from neighbouring properties.

Other Matter

19. Planning permission was granted for a 'loft conversion with front dormers, internal alterations and new detached garage' in 2017¹. The officer report for that application considered that the rear dormer that was shown on the plans in that instance was 'well in excess of planning tolerances' but was permitted development. Even though this indicates that a dormer and windows under permitted development could be located in a similar position to the appeal proposal, the rear dormer before me is larger and extends closer to the boundary with No 1 than that scenario. Permitted development rights for additions to the roof of a dwelling house are also subject to the materials used in any exterior work being of a similar appearance to those used in the exterior of the existing dwelling which, in the case of the rear dormer subject of this appeal, they are not.
20. The rear dormer's considerable scale and unsympathetic materials are factors which are integral to the harm identified under the main issues. Therefore, the permitted development rights fallback scenario is not a material consideration which justifies this harm and the conflict with the development plan.

Conclusion and Recommendation

21. For the reasons given above, I recommend that the appeal should be dismissed since it would conflict with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR

¹ LPA Ref 17/05505/HOU