



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: 24th February 2025

Appeal Ref: APP/W4705/D/24/3352090

9 Willow Crescent, Bradford BD2 1LR

- 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 Zeeshan Shahid against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/01994/HOU.
 - The development proposed was originally described as 'front and rear dormers and single-storey side and rear extension'.
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Decision

1. The appeal is allowed, and planning permission is granted for single-storey side and rear extension; hip to gable roof conversion and front and rear dormers at 9 Willow Crescent, Bradford BD2 1LR in accordance with the terms of the application, Ref 24/01994/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 24-067-P-01 (Location Plan) and 24-067-P-03-A (Proposed Plans and Elevations).
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 4) The single storey side and rear extension hereby permitted shall not be occupied until the bathroom window on the ground floor side elevation facing No 7 Willow Crescent has been fitted with obscured glazing to a minimum level of obscurity equivalent to Pilkington Level 4, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be maintained in accordance with these requirements at all times.

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 Matter

3. The description within the heading above is taken from the application form. However, the submitted plans also include a hip to gable roof extension. Therefore, I have used the more comprehensive description on the Council's decision notice for the purposes of the appeal decision.

4. It is clear from the Council's officer report and decision notice that its concerns relate to the single-storey side and rear extension and its relationship with 7 Willow Crescent. I have defined the main issue on that basis.

Main Issue

5. The main issue is the effect of the proposed single-storey side and rear extension on the living conditions of occupiers of 7 Willow Crescent, having particular regard to outlook and light.

Reasons for the Recommendation

6. 9 Willow Crescent (No 9) is a semi-detached dwelling situated in a residential area. There is a gap between the two-storey side elevations of No 7 and No 9 and the boundary between the properties is formed of a wooden fence. The side elevation of No 7 facing the side elevation of No 9 features a side entrance porch and a double paned window which serves a kitchen.
7. The single-storey side and rear extension would extend alongside the boundary with No 9. Even so, the space provided by the width of the intervening driveway at No 9 would allow for an appreciation of the space above the extension in views from the side kitchen window at No 7. Consequently, the extension would not unacceptably enclose outlook from this neighbouring window. The evidence before me indicates that the kitchen at No 7 is also served by a window to the rear elevation. Consequently, occupiers of this neighbouring dwelling would retain a suitable outlook.
8. Given the orientation of the appeal dwelling relative to the dwelling at No 7, there is nothing to suggest the proposal would have a material effect on sunlight. This takes into account the sun's path from sunrise to sunset and that the existing dwelling is two-storey in height and already aligns with the side elevation windows serving No 7. There is also no detailed evidence to suggest that the nearest habitable room window at No 7 serving the kitchen would experience any material reduction in daylight, factoring in the gap between the proposal and this window, the single storey scale of the side and rear extension and that the kitchen is served by a further window to the rear.
9. Therefore, even though the proposal does not fully comply with the guidance in the Council's Householder Supplementary Planning Document (2012) (SPD) for extensions, specifically in terms of the 3.0m maximum depth for rear extensions and leaving a 1.0m gap to the boundary for side extensions, for the site-specific reasons set out this would not result in harm to neighbouring living conditions.
10. I conclude, the proposed development would have an acceptable effect on the living conditions of occupiers of 7 Willow Crescent, with particular regard to outlook and light. In that regard, the proposal would comply with the requirements in Policy DS5 (Safe and Inclusive Places) of the City of Bradford Core Strategy Development Management Document (2017) that development proposals should not harm the amenity of existing or prospective users and residents.

Other Matters

11. The Parish Council has requested that if there are any first-floor windows that would cause privacy issues, they should be installed with frosted glass. The

only upper floor windows proposed are within the dormers which would only provide similar views to those that can already be achieved by the first-floor windows on the front and rear elevations of the host dwelling. Therefore, a condition requiring the dormer windows to be obscure glazed is not necessary.

12. The Council's report draws attention to the proposed floor plan which indicates the back corner of the single storey extension may cross the boundary with 7 Willow Crescent (No 7). However, that drawing does not confirm land ownership and may not reflect the precise boundary. The planning application was accompanied by a completed Certificate A which confirmed that the applicant is the sole owner of all the land to which the application relates. The Council has also confirmed that the neighbour at No 7 was consulted during the application process. Therefore, they were made aware of the proposal and have had an opportunity to comment. This matter does not alter my finding that the proposal would be acceptable in terms of the main issue. Moreover, planning permission would not override any land ownership matters.

Conditions

13. I have had regard to the conditions suggested by the Council and agree that conditions related to the time period for implementation of the development and the identification of the approved plans are necessary in the interests of certainty. I have also attached the suggested condition requiring the use of matching materials as this is necessary to ensure the development best integrates with the host dwelling and its immediate surroundings. The appellant has confirmed that they would also be agreeable to a condition requiring the side window serving a bathroom to be obscure glazed to a minimum obscurity equivalent to Pilkington Level 4. This condition is reasonable in the interests of the privacy of occupiers of the host dwelling and the neighbours at No 7.

Conclusion and Recommendation

14. For the reasons given above, I recommend that the appeal should be allowed since it would comply with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR