



Appeal Decision

Site visit made on 10 February 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th February 2025

Appeal Ref: APP/Z4718/D/24/3356147

88 Bradley Road, Bradley, Huddersfield HD2 1QY

- 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 J Bagri against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/92174/W.
 - The development proposed is raising of roof height to create first floor accommodation, erection of extensions and alterations (revised scheme to planning application number 2023/90482).
-

Decision

1. The appeal is allowed and planning permission is granted for the raising of roof height to create first floor accommodation, erection of extensions and alterations at 88 Bradley Road, Bradley, Huddersfield HD2 1QY in accordance with the terms of the application, Ref 2024/62/92174/W, 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 the following approved plans: 09 (Survey drawing) and 10 Revision B (Proposed drawing).
 - 3) The walls of the dormers hereby permitted shall be finished in materials that match the colour and finish of the roof tiles. The roof of the dormers shall be infilled with matching roof tiles.

All other materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

2. The description of development on the application form refers to the previous planning application which does not amount to an act of development. Thus, I have omitted this in the formal decision.
3. There has been a refused¹ and approved² planning applications for similar developments at the appeal site. However, there are differences between the schemes, and I have determined the appeal proposal on its own merits.

¹ 2022/92993

² 2023/90482

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupants of 90 Bradley Road, with particular reference to outlook, sunlight and daylight.

Reasons

5. No 90 is a semi-detached bungalow located towards the west of the appeal site. It's driveway, which leads to a detached garage, separates the bungalows. No 88 sits lower than No 90 due to the topography of the area. No 90 has windows to the front, rear and side (facing the appeal site) which serve habitable rooms, and it's main private amenity space is to the rear. The proposed development would increase the eaves and ridge height of the host dwelling and would replace the existing conservatory, lean-to extension and flat roofed extension.
6. Particularly the proposed two-storey, rear extension element would increase the bulk and massing of the host dwelling. Nonetheless, the proposed development would not unreasonably overshadow No 90's windows or garden, or have an overbearing impact. This is due to the topography of the area, separation distance between the bungalows, intervening garage, and the existing extensions (particularly the height of the lean-to extension). Taking into account the development's scale, design and siting, the development would not be a dominant addition and would not result in the occupiers of No 90 feeling unduly hemmed in. Furthermore, considering the sun's path at different times of the year, it would not reduce the levels of light to an extent that would unduly reduce light reaching the windows of No 90 or it's garden.
7. For these reasons and based on the evidence presented, the proposed development would have an acceptable effect on the living conditions of the occupants of 90 Bradley Road, with particular reference to outlook, sunlight and daylight. Accordingly, it would comply with Policy LP24 of the Kirklees Local Plan: Strategy and Policies (2019). This seeks, amongst other matters, to ensure proposals promote good design by ensuring they provide a high standard of amenity and minimise impact on residential amenity of neighbouring occupiers.
8. In addition, the proposal would comply with chapter 12 of the National Planning Policy Framework which states developments should create places with a high standard of amenity for existing and future users. It would also comply with Key design principles 4, 5 and 6 of the House Extensions and Alterations SPD (2021). These principles seek to ensure extensions do not adversely affect the amount of natural light presently enjoyed by a neighbouring property or unduly reduce the outlook from a neighbouring property.

Conditions

9. It is necessary to attach a condition specifying the approved plans as this provides certainty. A condition relating to materials is also necessary to integrate the appearance of the proposal with that of the bungalow and to preserve the character and appearance of the area. In the interests of precision and clarity, I have slightly amended the wording of this condition, but the essence of the condition is unchanged.

10. It would be unreasonable to attach a condition, to ensure that the ground floor window in the western elevation is fitted with obscure glazing, as suggested by the Council. Thus, it would not meet the tests set out in paragraph 57 of the Framework. This is because there are existing windows (which are not obscurely glazed) on this elevation, the high level design of the proposed window which would serve a bathroom and the land level differences between the bungalows. The Council acknowledge, in the officer's report, that the first-floor window would not change the existing relationship between Nos 88 and No 90 as there is an existing window. However, they fail to acknowledge that there are existing ground floor windows on this elevation too.

Conclusion

11. For the reasons given above the appeal should be allowed.

L Wilson

INSPECTOR