



Appeal Decision

Site visit made on 3 June 2025

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/W4705/D/25/3363261

8 Hirst Wood Crescent, Shipley BD18 4BY

- 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 S & S Khan against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/04607/HOU.
 - The development proposed is demolition of conservatory and construction of single -storey rear extension (retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of conservatory and construction of single-storey rear extension at 8 Hirst Wood Crescent, Shipley BD18 4BY in accordance with the terms of the application Ref 24/04607/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: 1 & 2.
 - 2) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Procedural Matters

2. The planning application form did not contain a suitable description of the development proposed so I have used the description that is common to the appeal form and the refusal certificate. However, my formal decision removes the reference to “retrospective” as it is not an act of development. Furthermore, at the time of my site visit the extension was only partially constructed and it is not clear whether the development carried out is entirely consistent with the plans. For the avoidance of any doubt, I have determined the appeal on the basis of the submitted plans.

Main Issue

3. The main issue is the effect of the development on the living conditions of the adjoining occupiers at 6 Hirst Wood (No 6) in terms of outlook and light.

Reasons

4. The appeal property is one half of a two-storey semi-detached house with a reasonably sized garden at the rear. The adjoining neighbour, No 6, has a ground floor window close to the boundary, as well as a patio area which is likely to be used for sitting out.

5. 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 3m in depth.
6. The submitted drawings show that the proposed extension would have a depth of approximately 3.56m along the boundary with No 6. Thus, there is a 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.
7. Due to its proximity, the extension would be visible from the rear window and patio of No 6. Nevertheless, it would not be a significant height and would occupy only a small proportion of the overall length of the boundary, such that there would be no undue dominance or enclosing effect. I am also mindful that an extension of up to 3m in depth and 4m in height could be constructed without planning permission, which would have a similar effect. Furthermore, given its modest height and location to the north of No 6, it could not possibly have any harmful overshadowing effects on the neighbour's nearest window and garden.
8. I therefore conclude that the development would not harm the living conditions of the occupiers at No 6, 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

Other Matters

9. While I have noted the neighbour's concerns relating to maintenance arrangements and damage during construction, these are private or legal matters between the respective parties so have little bearing on the planning merits of the case.

Conditions

10. 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 would ensure a satisfactory appearance of the development.

Conclusion

11. The proposal complies with the relevant policies of the development plan; therefore, the appeal should be allowed.

A Caines

INSPECTOR