

**REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE  
MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON  
7 MAY 2009**

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**SUMMARY STATEMENT– PART THREE**

**Application recommended for refusal**

**The site concerned is:**

7	2 Milligan Court, Harden	Page 23	<b>Bingley Rural</b>
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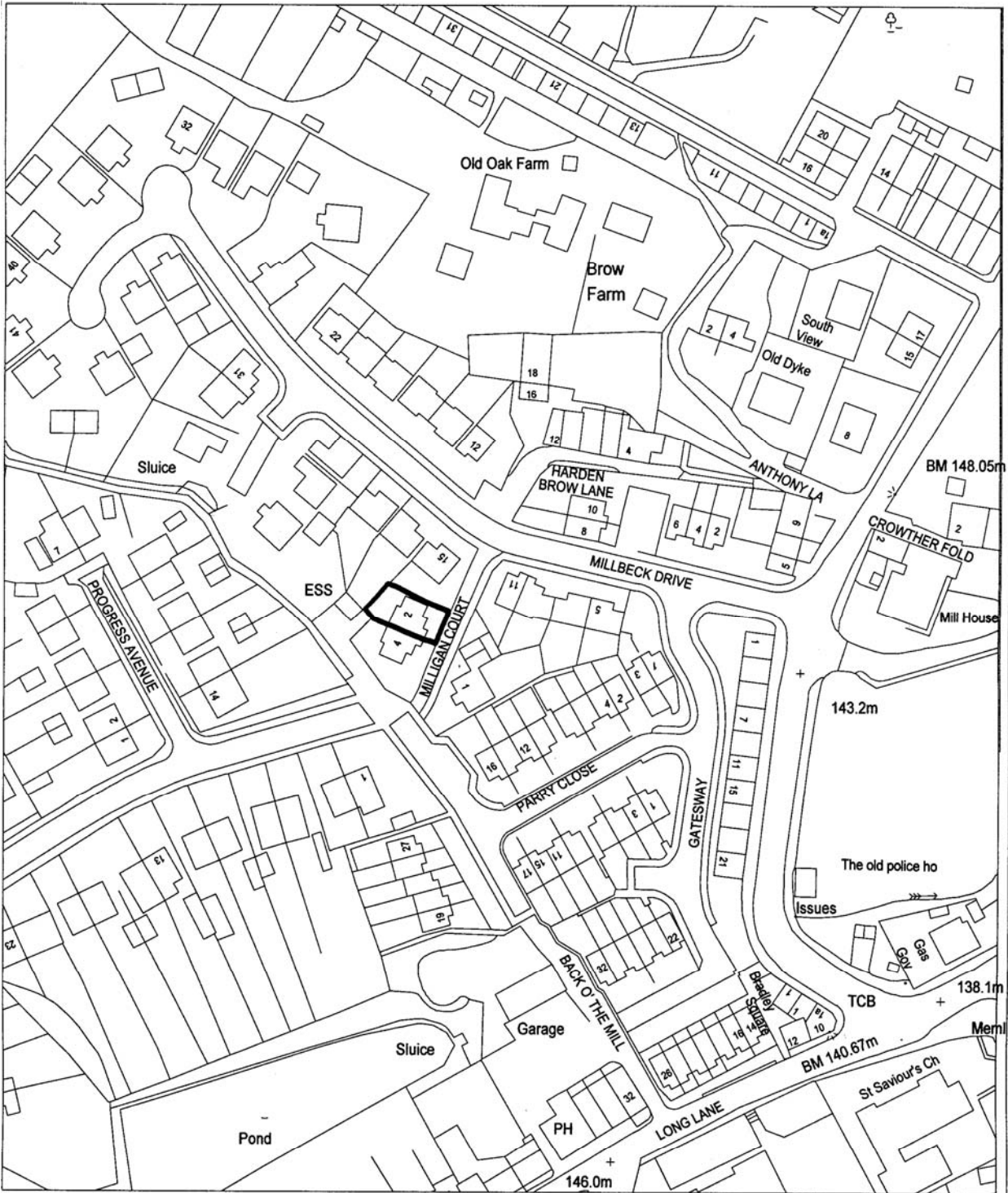
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# SHIPLEY AREA PLANNING PANEL

DATE  
7 MAY 2009



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ITEM No. 7

LOCATION

2 MILLIGAN COURT, HARDEN

**7 MAY 2009**

**Item Number:** 7  
**Ward:** BINGLEY RURAL (03)  
**Recommendation:** TO REFUSE PLANNING PERMISSION

**Application Number:**  
09/00982/FUL

**Type of Application/Proposal and Address:**

A full planning application for the construction of a two storey side extension which reduces to single storey to the rear and incorporates the existing garage at 2 Milligan Court, Harden, Bingley

**Site Description:**

The application property is a two storey semi-detached dwelling built in 1997 and finished in artificial stone with concrete tiled roof. The surrounding area is residential and comprises a mix of detached, semi-detached and terraced properties.

**Relevant Site History:**

08/05207/FUL First floor side and ground floor rear extension – Refused 29.09.2008 on the grounds that;

‘Due to inadequate distance, despite the notable difference in levels, the proposal would have an overbearing impact on the outlook from 15 Millbeck Drive and would significantly reduce the natural daylight reaching the habitable room windows of this property and the purpose built seating area within its rear garden. For these reasons, the proposal would significantly damage the residential amenity of neighbours, contrary to Policies UR3 and D1 of the Replacement Unitary Development Plan (2005) for the Bradford District which seek to prevent such impacts.’

08/07103/FUL First floor side and two storey rear extensions – Refused 22/01/09 on the grounds that;

‘Due to inadequate distance, despite the notable difference in levels, the proposal would have an overbearing impact on the outlook from 15 Millbeck Drive and would significantly reduce the natural daylight reaching the private amenity space of this property. For these reasons, the proposal would significantly damage the residential amenity of neighbours, contrary to Policy UR3 of the Replacement Unitary Development Plan (2005) for the Bradford District which seek to prevent such impacts.’

**Replacement Unitary Development Plan (UDP):**  
***Proposals and Policies***

The site is unallocated.

UR3 (The Local Impact of Development)  
D1 (General Design Considerations)

Supplementary planning guidance contained within the Council’s revised House Extensions Policy

**Parish Council:**

Harden Parish Council supports the application and requests that if officers are minded to refuse that it should be determined by the Planning Panel.

**Publicity and Number of Representations:**

The application was publicised with individual neighbour notification letters. Expiry date of the publicity period was 30.03.2009. Two representations received one of which is from a Ward Councillor who has requested that the application be determined by the Planning Panel if it is recommended for refusal.

**Summary of Representations Received:**

1. The side wall will be overbearing in relation to the neighbouring property.
2. Reduction of natural light to habitable rooms of neighbouring dwelling.
3. Overshadowing and physical dominance of neighbouring property.
4. Effects of foundation works on the party wall.
5. Plans do not accurately show boundary treatment. There is no hedge and an open boarded fence of 1m in height.
6. The dwellings were built with the minimum distances between dwellings.
7. There have been no changes between the latest and penultimate applications..

**Consultations:**

None

**Summary of Main Issues:**

1. Impact on the Local Environment
2. Impact on Neighbouring Occupants
3. Highway Safety Implications
4. Community Safety Implications

**Appraisal:**

Proposal

The proposal is for a side extension. There is an existing single storey garage at the property which is to be extended to the front and rear and an additional floor is to be added with this upper floor partly in the roof space. The upper floor is to have a front dormer straddling the roof and front wall and a rear velux window.

**Impact on the Local Environment**

The extension is to be built in matching materials and is considered to be of a design which is in keeping with the original dwelling. The roof of the extension is to be set 1.4m lower than the original ridge and the extension is to be set back 500mm from the front wall of the original dwelling and as such the extension will be subservient to the original dwelling and maintain the symmetry of the pair of semi-detached dwellings. A gap of 800mm is to be maintained between the extension and side boundary.

The design and appearance is considered to be acceptable and in this respect the proposal is considered to accord with Policies UR3 and D1 of the RUDP.

**Impact on Neighbouring Occupants**

The nearest neighbouring property is 15 Millbeck Drive. The rear garden (5.4m deep) of this property abuts the application site where the side extension is to be located and the rear windows of No. 15 would be within 6.4m of the extension. No.

15 is at a higher ground level – 1.6m - than the application property and the boundary is marked by a 1.8m high retaining wall topped with a 0.85m high fence. There are some bushes in the garden of No.15 adjacent to the fence.

The extension will extend by between 0.5m and 3.6 m above the height of the boundary wall/fence for a length of 9.3m.

An assessment has been made using the Building Research Establishment 'Site layout planning for daylight and sunlight (A guide to Good Practice) as to the impact of the extension on the daylight reaching the rear ground floor windows of No. 15 Millbeck Drive. This indicates that even with the proposed extension at 2 Milligan Court there will be good day lighting to the interior of No. 15 Millbeck Drive. There is likely to be a small amount of additional overshadowing of No15's garden but it is not considered that this will be so significant as to warrant refusal.

The main concern is the height and proximity of the extension in relation to No.15's garden and rear windows. Because the extension sits along the rear boundary of the property it will dominate the outlook from No.15. It is considered that the extension will appear overbearing and in this respect will adversely affect the residential amenity of the neighbouring residents.

It is not considered that the proposed extension will overlook any of the neighbouring properties. The front dormer window overlooks the access road and blank gable end of the nearest property which is 14 metres away. The roof light to the rear will not result in overlooking. There are no windows to the gable end of the extension to cause any overlooking to the rear amenity space of 15 Millbeck Drive.

Within the supporting documentation the applicant refers to the relationship 19 Millbeck Drive to the neighbouring properties 21 and 23 Millbeck Drive which is considered to be similar to the relationship of the application proposal to No. 15 Millbeck Drive. It is acknowledged that there is some similarity in the relationship but it should be noted that Nos. 19, 21 and 23 were originally built with this relationship and the residents moved into No.s 21 and 23 knowing how close the neighbouring property was to their boundary. Furthermore, the garage with room over at No. 19 is of shorter depth and straddles the rear boundaries of two properties whereas in the case of the application property the extension extends along the length of only one neighbouring garden. As such it is not considered that the development at No. 19 is comparable with the application proposal.

It is considered that the proposal is contrary to Policy UR3 and D1 of the RUDP as the proposed development would harm the residential amenity of the occupants of the neighbouring dwelling as the extension would be overbearing in relation to the rear facing windows and private amenity space of 15 Millbeck Drive.

**Community Safety Implications:**

There are no apparent community safety implications.

**Recommendation:**

The application is recommended for refusal on the grounds that the height and proximity of the extension to the private amenity space and rear facing windows of No. 15 Millbeck Drive will result in the extension being overbearing.

**Reason for Refusal:**

Due to the inadequate distance, despite the notable difference in ground levels, the proposal has an overbearing impact and is physically dominant upon present and future occupants of 15 Millbeck Drive, rights to the peaceful enjoyment of their private amenity space. It is therefore considered that it will have a significantly adverse effect upon their residential amenity. As such this proposal is not considered to be in accordance with Policy UR3 and D1 (8) of the Replacement Unitary Development Plan and the Revised House Extensions Policy.

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