
Appeal Decision

Site visit made on 25 October 2016

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th November 2016

Appeal Ref: APP/W4705/W/16/3155719

Bridge End, Park Mount Avenue, Baildon, Bradford, BD17 6DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Spivey against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 15/07336/FUL, dated 9 December 2015, was refused by notice dated 3 February 2016.
 - The development proposed is a four bedroomed detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The reasons for refusal refer to No 39 Parklands, which is some distance away from the appeal site. This is clearly a typographical error. It is clear that the Council's Decision Notice relates to the site listed above, and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on:
 - (a) The character and appearance of the area;
 - (b) The living conditions of the occupiers of Bridge End and Kirkwood with regard to loss of outlook and an overbearing effect, and;
 - (c) The living conditions of future occupiers of the development with regard to overlooking and inadequate privacy.

Reasons

Character and appearance

4. Bridge End is a large detached property that sits on the corner of Park Mount Avenue and Kirklands Road. This area contains a variety of property types of traditional design. The properties surrounding the appeal site however are mostly large detached houses in spacious plots.
 5. The proposed dwelling would be contemporary in appearance and would consist of three linked sections, with differing roof forms and heights. It would sit within a narrow plot, close to the boundaries with Bridge End and Kirkwood. In contrast to these properties, it would have a relatively narrow frontage onto
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Kirklands Road. This would give the dwelling a cramped appearance that would be at odds with the more spacious plots around it. The dwelling's elevated position in relation to Kirkwood would also serve to emphasise this, and it would appear shoehorned into the site when viewed from the street. The proposed stepped design would not provide adequate mitigation in this regard.

6. The shape of the appeal dwelling is partly dictated by the narrowness of the plot. However, it would also include differing roof heights and styles, and an irregular shape. These features would create a disjointed and awkward appearance, and the dwelling would sit uncomfortably within its plot. For these reasons, the dwelling would appear as an incongruous feature in the street.
7. Whilst the proposal would involve the removal of the existing garage, which may be in poor condition, this consideration would not outweigh the concerns I have identified above.
8. I conclude that the development would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policies UR3 and D1 of the Bradford Replacement Unitary Development Plan (2005).

Living conditions – Bridge End and Kirkwood

9. The proposed dwelling would be located in close proximity to the boundaries with both Bridge End and Kirkwood. The side elevations facing the adjacent properties would be around 14 metres in length.
10. The levels change significantly between the properties, and the proposed dwelling would sit on land that is between 1.5 and 2 metres above the garden to Kirkwood. In addition to this level change, the property would have a ridge height of over 7 metres, in close proximity to the boundary. This would create a large, imposing presence along the boundary with Kirkwood that would dominate the adjacent garden area. Whilst there is some existing boundary planting between Kirkwood and the appeal site, this would not be sufficient to mitigate the impact of the dwelling. Furthermore, whilst Kirkwood itself would be screened from the development by existing trees, this would not mitigate the development's overbearing and oppressive effect on the garden area.
11. With regard to the effect of the development on Bridge End, the proposed dwelling would sit significantly below the existing property. This change in levels would ensure that there would be no unacceptable impact on the first floor windows of Bridge End. However, the new dwelling would significantly affect the outlook from the ground floor windows in the eastern elevation. In particular, there are a number of windows (including the French doors) that would be less than 10 metres from the new dwelling. This would result in a harmful overbearing effect on these windows, at close quarters. Moreover, the existing kitchen window would be less than 3 metres from a blank elevation in the new property. Whilst it was not possible to ascertain whether this room is a kitchen-diner on my site visit, and it is generally acknowledged that a kitchen is a less sensitive room, I still regard a separation distance of less than 3 metres to be unacceptable in this case.
12. Whilst there would be no unacceptable overlooking or loss of privacy to either Kirkwood or Bridge End, this consideration has no bearing on the harm I have identified above.

13. I conclude that the development would unacceptably harm the living conditions of Bridge End and Kirkwood with regard to loss of outlook and an overbearing effect. It would therefore be contrary to Policies UR3 and D1 of the Bradford Replacement Unitary Development Plan (2005).

Living conditions – future occupiers

14. The proposed dwelling would be served by a spacious garden to the rear that would sit beneath Bridge End. This would be visible from the windows in the eastern elevation of the existing property.
15. The change in levels would allow for direct views into the garden of the proposed dwelling from Bridge End. However, views from the ground floor and garden area could be adequately screened by appropriate boundary treatments, which could be secured by condition. Whilst there would still be views into the proposed rear garden from the first floor windows of Bridge End, these views would be oblique rather than direct. This level of overlooking would not be unduly harmful in my view.
16. I conclude that the development would not unacceptably harm the living conditions of future occupiers of the development with regard to overlooking and inadequate privacy. In this regard it would therefore be in accordance with Policies UR3 and D1 of the Bradford Replacement Unitary Development Plan (2005).

Conclusion

17. For the reasons set out above, I conclude that the development would unacceptably harm the living conditions of both Kirkwood and Bridge End, and would harm the character and appearance of the area. Whilst there would be a positive benefit in terms of the provision of a new dwelling, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR