
Appeal Decision

Site visit made on 31st October 2016

by Jonathan G King BA(Hons) DipTP MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/W4705/W/16/3153808

Land adjacent to 457 Allerton Road, Bradford BD15 7DX

- 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 Ashfaq Hussain against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 15/04935/FUL dated 10th September 2015, was refused by notice dated 7th December 2015.
 - The development proposed is the construction of a retail unit with 2-bed apartment above.
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Decision

1. I allow the appeal and grant planning permission for the construction of a retail unit with 2-bed apartment above on land adjacent to 457 Allerton Road, Bradford BD15 7DX subject to the following conditions:
 - (a) The development hereby permitted shall be begun within three years of the date of this decision.
 - (b) Prior to the occupation of the building hereby permitted, the windows in the eastern elevation of the building shall be fitted with obscure glazing.
 - (c) No walls shall be constructed above ground level until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.
 - (d) Any security shutters at the development hereby permitted shall be installed internal to the windows they serve.

Main Issues

2. The main issues in this case are the effect of the development on:
 - (a) the living conditions of the occupiers of adjoining properties; and on
 - (b) the character and appearance of the building and the locality in which it is situated.

Reasons

Background and Preliminary matters

3. Permission was granted in 2013 [ref: 13/00859/FUL] for a single storey retail unit on the site. Footings have been laid, but it was stated on behalf of the

appellant at the site visit that these do not conform to the permitted building, which has a smaller footprint, but are those of the building which is the subject of the present appeal. On that basis, I regard the appeal to relate to a retrospective application for planning permission.

4. Adjoining the site in Allerton Road is the disused Prince of Wales public house, which is in the same ownership as the appeal site. Permission has been granted for its conversion into a restaurant with a new shop frontage. Amongst other things, permitted works to its western elevation, adjacent to the site, involve the blocking up of the 2 upstairs windows, leaving a single downstairs window towards the front of the property. The appellant's statement indicates that this window would not serve an habitable room; and this is confirmed in the Council officer's statement.

Living conditions

5. The building would occupy very nearly the whole of the site, with its frontages to Allerton Road and Upper Ferndown Green being very close to the back of the pavements. The submitted plan shows its eastern side wall separated from the side of the public house by a 3 metre wide paved area; and its rear wall situated 1.1 metres from a tall hedge that marks the side boundary of a semi-detached house, No 1 Upper Ferndown Green. The new building would be separated from the house by a distance estimated by the Council to be in the region of 8 metres, occupied by a domestic garage and an access way.

(a) privacy

6. On the ground floor and towards the rear, the elevation facing the pub would be pierced by a door and a small window to a kitchen serving the retail unit, while on the upper floor, there would be 2 small windows serving a bathroom and a lounge to the flat. There would be little opportunity for there to be any significant intervisibility between the kitchen window and the ground floor window of the pub; and it would be usual for the bathroom window to be fitted with obscure glass, so preventing overlooking from that room. Notwithstanding the information from the parties, in the event that the pub window were to serve an habitable room, the only potential for overlooking leading to a loss of privacy would be from the lounge window but, as this is of a secondary nature – the main windows being to the front – it too could be obscure glazed without any significant harm to the amenity of the future occupiers.
7. With respect to No 1 Upper Ferndown Green, the rear of the proposed building would on the ground floor include 2 doors, serving a storeroom, and a small window to a WC. These do not provide any opportunity for overlooking. On the upper floor would be a small window providing light to a stairway. The house has a clear glazed window on the ground floor which I understand serves a kitchen. Some intervisibility from the stair window might be possible, but I consider it unlikely that there would be any risk of significant loss of privacy.
8. I conclude that there would be little potential for loss of privacy resulting from the proximity of the building to its neighbours; and such opportunity that does exist could be overcome by the fitting of obscure glass in the side windows of the flat.

(b) Overbearing impact and outlook

9. The proposed building would be clearly visible from the ground floor kitchen window of the adjacent house. However, it would be a moderate distance away, and its lower parts would be wholly or mainly obscured by the boundary hedge, which itself would soften the visual impact. Moreover, the roof would slope away, diminishing its apparent mass. I do not believe that there would be a significant loss of light to the house, as feared by the occupier. Overall, I consider that the building would not have a substantial overbearing impact, or create an unacceptable quality of outlook for the occupiers of the house, as the Council believes.
10. In reaching this conclusion, I have taken into account the provisions of Policies UR3 and D1 of the Bradford Replacement Unitary Development Plan and the Council's Householder Supplementary Planning Document (insofar as it may be considered relevant to the present circumstances), which together seek to protect the amenity of neighbours from inappropriate forms of development. But I do not consider their principles to have been breached.

Character and appearance

11. The Council is satisfied with the appearance of the proposed building. I agree that it would be broadly in keeping with its surroundings, which include both commercial and residential buildings of a variety of ages and styles. The sole issue under this heading relates to concern at the appearance of security shutters.
12. I have seen no reference on the submitted plans or in the application documentation to the installation of shutters. However, the refusal notice refers to external shutters; and the appellant says in his statement that he would be prepared to install them internally instead of externally. I take it from this that the original intention, however conveyed to the Council, was to install external shutters.
13. I am in sympathy with the Council's wish to avoid an inappropriate design for any shutters fitted, in line with its adopted Supplementary Planning Documents *Shopfront Design Guide* and *A Shop Keeper's Guide to Securing their Premises*. I note that the latter advises that "*if a physical barrier within a shop front is necessary, the most appropriate option is an internal lattice or brick-bond grille. Internal grilles have a limited impact upon the appearance of the shop front and do not normally require planning permission*".
14. The appellant is prepared to do mount the shutters internally; and, if so installed, they would comply with the Council's guidance. On that basis, and as the visual impact would be small, I see no reason to oppose them. However, in view of the uncertainty over what was actually proposed, in order to avoid any doubt I consider that it would be prudent to specify by condition that they should be fitted internally.

Other matters

15. In reaching my conclusions, I have considered the representations made by local residents concerning the appeal. I have already addressed matters relating to the character and appearance of the development and the likely effects on the amenity of those living in the vicinity. With respect to traffic

generation, parking provision and road safety, I note that the Council's officers did not raise any objections under these headings, and found the development acceptable by reference to its relevant planning policies. I have no reason to conclude otherwise.

Overall conclusion and conditions

16. Taking all of the main issues into account, I am satisfied that the development is acceptable, subject to the imposition of conditions relating to the use of obscure glazing in the eastern elevation and to requiring any security shutters to be fitted internally.
17. The Council has suggested one further condition to be imposed in the event that the appeal is allowed, requiring approval of facing and roofing materials. Although these are described in general terms on the submitted plans, they are not specified in detail, for example the exact type of stone to be used for the façade. I shall therefore impose the condition, albeit in a different form, reflecting that the development has already commenced.

Jonathan G King

Inspector