
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: 7th December 2016

Appeal Ref: APP/W4705/W/16/3155309
24 Laurel Park, Wilsden, Bingley, BD15 0NQ

- 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 Darren Ingham against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/02981/FUL, dated 14 April 2016, was refused by notice dated 21 June 2016.
 - The development proposed is an amendment to planning application 14/05392/FUL replacing the pair of semi-detached dwellings for a dwelling with a separate garage.
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Decision

1. The appeal is allowed and planning permission is granted for an amendment to planning application 14/05392/FUL replacing the pair of semi-detached dwellings for a dwelling with a separate garage at 24 Laurel Park, Wilsden, Bingley, BD15 0NQ in accordance with the terms of the application, Ref 16/02981/FUL, dated 14 April 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Wilsden Conservation Area.

Reasons

3. The conservation area encompasses the historic core of the village of Wilsden, which follows a linear pattern along Main Street. Much of the conservation area today comprises of late eighteenth and nineteenth century workers cottages and other buildings. These reflect the transition of Wilsden in that period from an agricultural to an industrial village. The conservation area is characterised by the use of traditional, natural building materials, good examples of local vernacular architecture, and a mix of buildings and land uses.
 4. The appeal site is located in a relatively prominent position adjacent to Main Street, which is the main road through the village. It comprises a partially developed area of land, on sloping ground. A number of rows of historic terraces are located on the opposite side of the street. The site was recently granted planning permission (ref 14/05392/FUL) for 3 dwellings, including a detached house and a pair of semi-detached properties. The appeal proposal would replace the semi-detached properties with a single detached dwelling.
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The appeal dwelling is currently under construction, and the consented detached dwelling is now largely completed.

5. The dwelling would be 1.5 stories in height on the Main Street frontage, and would be of a scale and height that would be appropriate to the immediate setting. It would also be constructed of traditional materials that would be sympathetic to the character of the area. As a detached property, it would be located between 2 existing detached dwellings. In addition, a number of properties at the ends of the rows of terraces on the opposite side of Main Street, such as No 222, have the appearance of detached dwellings. The appeal dwelling would also be seen in the context of the properties behind it, a number of which are also detached. In this context, the proposal would not out of keeping with the grain and appearance of this part of the conservation area.
6. The previously approved scheme would have presented a more continuous frontage along this side of Main Street. The Council clearly prefer this scheme to the appeal proposal. However, for the reasons set out above, I do not consider that the development would be harmful to the conservation area. Whilst it would be more spacious than the previous scheme, it would be in keeping with nearby properties and would be sympathetic in terms of its height, design, and materials.
7. I conclude that the development would preserve the character and appearance of the Conservation Area. It would therefore be in accordance with saved Policy BH7 of the Bradford Replacement Unitary Development Plan (2005), and section 12 of the National Planning Policy Framework.

Other Matters

8. The proposed access point onto Laurel Park would be appropriate for a development of this scale. It would be some distance from the junction with Lingfield Road, and I am satisfied that it would not prejudice highway safety. In this regard I note that the Council's Highways section did not object to the development.
9. Any effects from the construction period would be short term and could be mitigated by a condition limiting the hours during which construction could take place. Similarly, the existing trees on site could be protected through an appropriately worded condition.

Conditions

10. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development. I have also imposed a condition specifying the materials to be used in the external construction of the dwelling. This is necessary to safeguard the character and appearance of the Wilsden Conservation Area. A further condition limiting the hours of construction at the site is necessary to preserve the living conditions of nearby residential occupiers.
11. I have attached 2 conditions relating to drainage, which are necessary to ensure a reduction in surface water run-off and in the interests of pollution prevention. I have also imposed conditions requiring the vehicular and pedestrian access, parking spaces, vehicle turning area, and boundary

treatments to be created prior to the first occupation of the dwelling. This is to ensure that these facilities are available for future occupiers of the development. A further condition requiring that the existing vehicular access onto Main Street be permanently closed off is necessary to ensure that this element of the scheme is completed prior to the occupation of the dwelling. In addition, a condition requiring the submission and approval of works affecting the boundary walling is necessary to protect the stability of the highway, in the interests of safety. Whilst a similar condition was attached to the previous permission (ref 14/05392/FUL), there is insufficient evidence before me to confirm whether this has been discharged. In the event that this previous condition has in fact been discharged, this matter can be addressed between the parties.

12. Finally, I have imposed a condition requiring that the development be constructed in accordance with the approved Tree Protection Plan. This is to ensure that the existing trees on site are not damaged during the construction process.
13. The Council suggested a further condition that would have removed a number of permitted development rights from the new property. However, there is no evidence before me that exceptional circumstances exist that would justify the removal of permitted development rights in this case. In any event, permitted development rights relating to roof alterations and side extensions would be restricted by the conservation area designation. Accordingly, I do not consider that this condition is necessary in order to make the development acceptable in planning terms.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; RG144/PL101; RG144/PL102; RG144/PL103; RG144/PL104.
- 2) The development shall be constructed in local natural stone and natural blue slate as specified in the submitted application.
- 3) Demolition or construction works shall take place only between the hours of 0730 and 1800 on Mondays to Fridays, between 0730 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Public Holidays.
- 4) The parking and other surfaced areas within the site shall have permeable surfaces or drain to a soakaway within the site. These surfaces shall be retained as such thereafter.
- 5) The development shall be drained using separate foul sewer and surface drainage systems.
- 6) Prior to the first occupation of the development, the means of vehicular and pedestrian access, the off street and visitor car parking spaces, and vehicle turning area, shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plans. These areas shall thereafter be kept available for these purposes.
- 7) The approved boundary treatments shall be constructed / planted prior to the first occupation of the development. The boundary treatments shall thereafter be retained.
- 8) Prior to the first occupation of the development, the existing vehicular access onto Main Street shall be permanently closed off with a full kerb face, and the footway returned to full footway status, in accordance with the approved plan.
- 9) Within 3 months of the date of this decision, full details, including all necessary structural calculations, of any temporary or permanent works affecting the stability of the highway boundary walling to Main Street, Lingfield Road and Laurel Park shall be submitted to and approved in writing by the Local Planning Authority. Any works to these highway retaining structures shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby approved.
- 10) The development shall be constructed in accordance with the approved Tree Protection Plan Ref RG144/PL104. The temporary Tree Protective Fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.