
Appeal Decision

Site visit made on 28 November 2016

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/W4705/C/16/3153432
12 Melbourne Grove, Bradford BD3 8JT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mohammed Salim against an enforcement notice issued by the City of Bradford Metropolitan District Council.
 - The enforcement notice, numbered EN 07, was issued on 12 May 2016.
 - The breach of planning control as alleged in the notice is:
The unauthorised construction of a single storey extension to the front of the premises.
 - The requirements of the notice are to:
Demolish the unauthorised single storey front extension and remove from the premises all materials resulting from such demolition.
 - The period for compliance with the requirements is One Calendar Month.
 - The appeal is proceeding the grounds (a), (e), (f) and (g) as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal succeeds to a limited degree on ground (g) only. Otherwise the appeal is dismissed (see formal decision below).

Background information

2. The structure referred to, which is the subject of the enforcement notice, extends across the full length of the original dwelling (6.41m) and is 1.27m in depth. It comprises a UPVC glazed lean-to extension that has the appearance of a conservatory. On 8 September 2015 planning permission (ref: 15/03030/HOU) was refused for its retention. A further planning application for '*retention and alteration of existing front porch*' was granted approval on 20 January 2016 (15/0667/HOU). This was for a much smaller extension which was more typical of a front porch. The drawings submitted included plans and elevations (existing and proposed), a roof plan and allocation plan. The drawings were numbered 1A, 2C, 3 and 3A and show the existing house prior to the building of the unauthorised extension and what can be described as a normal sized front porch.

3. Various approvals have been granted for alterations and extensions to the property between November 1980 and May 2012. These include an extension to the garage; a single storey extension; a first floor side extension; a two storey extension to side and rear and a two storey rear extension. In September 2014 an application for a two storey extension was refused. The overall result is that the size of the original house has been significantly increased. The unauthorised front structure, having been built across the front of the house is out of character with the other front porch/roof frontages

The appeal on ground (e)

4. There is no firm evidence before me that whoever signed the enforcement notice, on behalf of the Council, was not authorised to do so. Furthermore, there is no evidence to suggest in any way that the notice is invalid. The appellant has been able to appeal the notice as drafted and issued by the Council and it is obvious from the representations that the appellant is clear about the allegation and the requirements of the notice. I have dealt with the notice on its face and in accordance with the grounds pleaded. In doing so I am satisfied that no injustice will be caused to the Council or to the appellant. In conclusion on this first ground it has not been conclusively shown that the notice was invalidly served. The appeal fails, therefore, on ground (e).

The appeal on ground (a)

5. The main issues are firstly, the effect that the full length UPVC structure has had on the character and appearance of this part of Bradford and, secondly, the effect it has had on the amenities of neighbours and in particular, the occupants of No 10 Melbourne Grove.

6. The Council refers to policies within its adopted replacement Unitary Development Plan (RUDP). These are D1 (relating to the requirement for high quality design); UR3 (relating to the effect of a development on the surrounding environment and UDP3 (sustainable design and maintaining the character and quality of the environment). The National Planning Policy Framework (NPPF) which sets out a presumption in favour of sustainable development is a major material consideration in this case, as are relevant parts of national Planning Policy Guidance (PPG).

7. Having viewed the extension, from both near and distant viewpoints, I share the Council's concerns about this inappropriate and poorly designed structure. The UPVC lean-to is completely out of character with the other houses in the cul-de-sac. I noted other front extensions (Nos 16 and 14) but these had retained their small, hipped and tiled roofs. The appeal structure on the other hand appears as an alien and obtrusive addition to the front of No 12. Although matching stonework has been used, the UPVC glazing (some with top-opening lights) in my view is very poorly designed. The roof elements crudely cut across and under the stone pediment of the front door; the windows are inappropriately proportioned and the end wall detrimentally affects front door area outside of No 10.

8. The UPVC extension is of very poor design and fails to ensure the quality of the built environment. It is not sustainable due to the visual harm it causes generally to the environment. Nor does it *'enshrine the principles of good design'*. I consider that it has had a most negative effect of the street scene in this tight cul-de-sac, as well as on the visual amenities (outlook) of people who live in the immediate neighbourhood. It is particularly harmful with regard to its proximity to the front door of No 10. In my view the end wall has resulted in a situation whereby it will have an overbearing impact on any present or future occupants of this property. I therefore find the unauthorised extension to be contrary to policies D1, UDP3 and UR3 of the RUDP.

9. It is also contrary to the relevant policies in the NPPF (section 7) which require good design in relation to all new developments. At paragraph 64 it is clearly stated that planning permission should be refused for development of poor design which fails to take opportunities available for improving the character and quality

of an area and the way it functions. The appeal fails therefore, on ground (a) and planning permission will not be granted for its retention.

The appeal on ground (f)

10. To be successful on this ground it must be conclusively shown by an appellant that the steps as required by the notice are excessive and that lesser steps would remedy the breach or, as the case may be, remedy any injury to amenity which has been caused by any such breach.

11. In support of the appellant's case it is contended that should the appeal fail on grounds (a) and (e), the enforcement notice should be amended to allow an option whereby the appeal structure, alternatively, be altered so as to comply with the approved application. However, from the plans I have seen the approved drawings bear no relationship to what has been built. I consider that in order to remedy the breach and to remedy the harm caused to amenity (to the street scene and to the living conditions of any occupier at No 10), then the requirements as set out by the Council are necessary. The appeal also fails on ground (f).

The appeal on ground (g)

12. I agree that one month falls short of what should reasonably be allowed but the 6 months, as requested is too long. In my view a period of 3 months would be a reasonable time to demolish and remove a structure the size of this one. This would also allow the appellant to liaise with the Council if he wished to submit an alternative porch design to the one already permitted and which might incorporate elements from the unauthorised UPVC structure. The appeal succeeds to a limited degree, therefore, on this ground and I shall vary the notice accordingly.

Other Matters

13. In reaching my conclusions I have taken into account all other matters raised by the Council and the appellant. However, none carries sufficient weight to alter my conclusions on the grounds of appeal and nor is any other factor of such significance so as to change my decision.

Formal Decision

14. The appeal succeeds to a limited degree on ground (g) only and I direct that the word '*One*' before the word '*calendar*' in part 6 (TIME FOR COMPLIANCE) be omitted and that the word '*Three*' be substituted therefor.

15. Otherwise the appeal is dismissed and the enforcement notice is upheld as varied. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Anthony J Wharton

Inspector