

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/16/3152020
50 Holme Street, Bradford BD5 0JY

- 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 Majid Ali against an enforcement notice issued by the City of Bradford Metropolitan District Council.
 - The enforcement notice was issued on 5 May 2016.
 - The breach of planning control as alleged in the notice is: the erection of a canopy structure within the curtilage of the property as shown in the attached photograph.
 - The requirements of the notice are:
 - i. demolish the unauthorised canopy structure.
 - ii. remove all resulting materials from the land.
 - The period for compliance with the requirements is two calendar months.
 - The appeal is proceeding on ground (a) only, as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed.

Background information and relevant policy

2. The appeal property/land lies at the corner of Holme St with Little Horton Lane and the unauthorised timber structure is being used in conjunction with a car-valeting service on the land. Access into the valeting area is from Holme Street and the site is surrounded by metal fencing with advertisements for 'The Valeting Centre' attached. The structure is constructed of steel sections and it has what appears to be a metal profiled, plastic coated, sheet roof and backing. At the time of my visit it was positioned away from Little Horton Lane and relatively close to the gable of the residential property to the east.

3. 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. In particular its policies relating to the requirement for good design (section 7) are relevant as are parts of national Planning Policy Guidance (PPG).

The appeal on ground (a)

4. The main issue is the effect of the canopy structure on the character and appearance of this part of Bradford.
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5. Having viewed the canopy from both near and distant viewpoints, I share the Council's concerns about its detrimental effect on visual amenity. In my view it is a crude and out-of-scale element within the street scene. In terms of its form, size, scale and materials it is not well related to the existing appearance of the locality. This is characterised by the main road (Little Horton Lane) with residential streets at right angles to the road. It introduces a poorly designed industrial-looking structure close to the residential parts of Holme Street.

6. The canopy is of very poor design and fails to ensure the quality of the built environment. It cannot, in my view, be described as being '*sustainable*' due to the visual harm it causes generally to the environment. Nor can it be said to '*enshrine the principles of good design*'. In fact, I find exactly the opposite to be the case. It has a most negative effect of the surrounding townscape, as well as on the visual amenities (outlook) of people who live and work in the neighbourhood. I find it contrary, therefore, to policies D1, UDP3 and UR of the RUDP.

7. 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.

Other Matters

8. In reaching my decision I have taken into account all of the other matters raised by the Council and the appellant. These include the point made by the appellant that the canopy has been re-positioned away from Little Horton Lane and that this has resulted in minimising the impact on the street scene. However, this latter point does not alter my conclusion on the harm caused by the canopy and nor is any other matter of such significance so as to alter my conclusion that the appeal should fail.

Anthony J Wharton

Inspector