

Appeal Decision

Site visit made on 10 January 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/W4705/D/ 16/3160413

8 St Mary's Road, Manningham, Bradford BD8 7LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to planning permission.
 - The appeal is made by Mr Mohammed Ahmed Patel against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/04260/HOU, dated 27 May 2016, was refused by notice dated 22 August 2016.
 - The development is for two roller shutters to the rear elevation and alterations to stone walling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application sought retrospective planning permission. Accordingly, I was able to view and assess the described development in situ at the site visit and have determined the appeal on that basis.
3. There have been a number of previous planning applications in retrospect for the same proposal. All have been refused by the Council for the same reason. The proposal which is the subject of this appeal has sought to address the concerns raised in the previous refusals and differs in that the roller shutters have been painted black and that the height of the side and rear walls and shutters is proposed to be reduced by 300 millimetres.
4. The appeal site is located within the St Paul's Conservation Area.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the St Paul's Conservation Area (CA).

Reasons

6. The appeal site consists of the rear and side elevation walls enclosing the rear yard of an end of terrace residential property. The development involves two metal roller shutters located within the rear elevation wall of the host property which is situated at the entrance to a rear access lane from St Mary's Road which serves a large number of nearby properties. As a result of their position, the roller shutters and boundary walls are prominent and highly visible in the CA.
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7. The roller shutters are one of several gates and accesses located in the rear access lanes in the area. Whilst there are some examples of roller shutters nearby, there are also examples of other more sympathetic access treatments, such as gates and railings, which are not as stark in their appearance. The roller shutters consist of unsympathetic features and materials and have little design quality. Furthermore, I find that due to their highly visible and prominent position, the visual impact of the scheme only perpetuates and exacerbates the inconsistent and harmful approach to boundary treatments and access points in this part of the CA.
8. The appellant argues that the only reasonably consistent feature between the various gates, garage doors and shutters in the area is their black colour. Therefore, in order to comply with this and reduce any adverse visual effect, the roller shutters have been painted black. Furthermore, the appellant states that the heightened walls and shutters were required to provide privacy and security to the rear yard of the appeal property. However, I note that the appellant has lowered the height of the walls and shutters to reduce the adverse visual impact on the CA.
9. Whilst I appreciate that the appellant has sought to reduce the visual impact of the scheme through the above methods, these are not sufficient to adequately address the reasons for refusal. The roller shutters and walls will remain in their prominent location despite the measures undertaken. Furthermore, such measures do not prevent material harm being caused to the CA nor do they preserve or enhance its character or appearance. Whilst the harm I have identified to the CA is less than substantial, it outweighs the benefits of improved privacy and security for the occupiers of the host property which have now been diminished in any event by the reduction in height of the walls and shutters.
10. Consequently, I conclude that the development has a materially harmful effect on the CA which does not preserve or enhance its character or appearance. It is therefore contrary to Policies UR3, D1 and BH7 of the Bradford Replacement Unitary Development Plan. These policies, amongst other matters, seek to ensure that development affecting the setting of a conservation area is of the highest standards of design and preserves or enhances the character or appearance of the conservation area.

Conclusion

11. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR