
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: 30 January 2017

Appeal Ref: APP/W4705/W/16/3159570

1 Durham Terrace, Gillington, Bradford BD8 9JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Mohammed Ommer Safdar against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/01958/FUL, dated 10 March 2016, was refused by notice dated 25 May 2016.
 - The development proposed is retention of covered canopy for fruit and vegetable display.
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. A previous application Ref: 15/05926/FUL sought retrospective planning permission for the original development. Therefore, I was able to assess the effect of that original development in situ at the time of the site visit.
3. The application Ref: 15/05926/FUL for a covered canopy for the fruit and vegetable display was refused by the Council on 7 December 2015. The reasons for refusal related to substandard design quality, the use of inappropriate materials and the adverse visual impact on the area. Notwithstanding this, the appellant resubmitted plans under application Ref: 16/01958/FUL dated 10 March 2016 which is the subject of this appeal. These plans show the use of slate roofing tiles, a stone plinth and polycarbonate sheeting to one side of the structure. The Council refused the scheme on 25 May 2016 due to the adverse effect it would have on the character and appearance of the host property and the wider area.
4. An appeal was lodged by the appellant on the grounds that the proposal had sought to use materials to match the existing building in order to address the concerns of the Council in relation to previously refused applications. Therefore, in the appellant's view, the application should have been granted planning permission.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.
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Reasons

6. The appeal site is situated within a residential area which is characterised by terraces of houses with small enclosed areas to the front with low walls, fencing and railings. The properties are therefore set back from the public highway and provide an generally consistent pattern of development in the area. The appeal property is a food store which is within a two-storey stone-built Victorian building. It is positioned prominently at the corner of Durham Terrace and Fairbank Road. At the time of the site visit, there was an existing structure described as a canopy at the front of the property constructed of metal sheeting to the roof and one side, with a pole in place at the opposite end to hold up the structure. From the evidence before me, this structure does not have planning permission.
7. The Council states that the proposal which is the subject of this appeal should be considered as an extension to the host property rather than a simple canopy serving the shop front. In my view, the scheme would create an additional sheltered and usable area for the property. Furthermore, the design of the scheme, particularly the side wall, would constitute a fixed additional structure to the building rather than a canopy which could be extended and retracted. As a result, I share the Council's view that the scheme would have the appearance of an extension rather than a canopy and therefore I have assessed it accordingly.
8. Policy D1 of the Bradford Replacement Unitary Development Plan (UDP) states that development should have a positive impact on the environment and quality of life through high quality design, layout and landscaping. Policy UR3 of the UDP states that development will be permitted provided that it has no adverse effect on the environment and occupiers of adjoining land. In addition, Design Principle 1 of the Council's Householder Supplementary Design Guide (SPD) indicates that front extensions, other than porches and canopies, are unlikely to be acceptable. Furthermore, the SPD sets a requirement of development to maintain the uniformity appearance of the street in order to avoid inappropriate disruption to the frontage.
9. Despite the appeal property not being a house, it is situated within a residential area and positioned at the end of a terrace of houses. As I have assessed the proposed development as an extension and taking into account the residential character and appearance of the area, I find it reasonable to apply the guidance within the Householder SPD in this case.
10. From what I have seen and read, the design of the proposal is not of a particularly high design quality. The use of stone and slate is in keeping with the surrounding context but it is the scale, mass and detailed design of the structure which would result in an incongruous addition to the streetscene. Moreover, I find that the use of polycarbonate windows would not complement the existing character and appearance of the area. Furthermore, the detrimental effects caused would only be exacerbated by the prominent and highly visible position of the appeal site.
11. The proposed structure would extend to the front boundary of the site facing Durham Terrace and it would be a significant height above the front boundary walls, fences and railings of nearby properties on Durham Terrace. Whilst there are a number of properties in the area with front porches, due to its position, scale, mass and detailed design, the scheme would have a

detrimental impact on the area and disrupt the uniformity of the streetscene in terms of its character, appearance and scale.

12. The proposed development would have some benefit in providing shelter for fresh produce and customers. Furthermore, I note the intentions of the appellant to amend the original development to incorporate more appropriate materials in order to reduce the adverse impact on the local area. However, these matters would not outweigh the significant harm I have identified.
13. Consequently, I conclude that the proposal would have a materially harmful effect on the character and appearance of the site and the surrounding area. It would therefore be contrary to Policies UR3 and D1 of the UDP and relevant guidance within the Council's Householder SPD. These policies and guidance, amongst other matters, seek to ensure that development has no material adverse effect on the character and appearance of the locality.

Conclusion

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

Andrew McCormack

INSPECTOR