
Appeal Decision

Site visit made on 8 February 2017

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 6th March 2017

Appeal Ref: APP/W4705/W/16/3161413
21 Belmont Avenue, Baildon BD17 5AJ

- 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 & Mrs Gaunt against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/07173/FUL, dated 22 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is a detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - (a) The character and appearance of the surrounding area; and
 - (b) The living conditions of the occupants of 23 Belmont Avenue, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is located in the garden of a semi-detached pair of dwellings on a residential cul-de-sac off the main part of Belmont Avenue. Although there is some architectural variety, the area has a largely harmonious character of similar dwelling types set in similar plot sizes, with gardens and drives to the front and what appear to be reasonably large gardens to the rear. No 21 sits back and above the road, reflecting the fact that Belmont Avenue is on a gentle rise from West Lane, which continues beyond the rear of the site. A public footpath also runs past one side of the site.
 4. I understand that a similar proposal has been subject to a recently dismissed planning appeal. I have not been provided with any details of the previous application and thus it is not completely clear what changes have been made to try and resolve the previous Inspector's concerns. As far as I can determine, however, the broad siting of the proposed dwelling has not changed significantly in terms of its location to the rear of No 21. It also does not appear that there has been any other material change in context. As such, I have had regard to the previous decision in my determination of the appeal.
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5. The design of the dwelling and the materials proposed would not in themselves be objectionable. The siting of the dwelling and the fact it would be built into the hillside, would also ensure it would not be prominent from public views on Belmont Avenue itself. However, the housing along Belmont Avenue exhibits a strong linear character, albeit set back from the roadside behind front gardens. There is no overt sign of the sub-division of gardens to accommodate development to the side or rear of existing dwellings. As a result, the siting of the dwelling to the rear of No 21 would result in a pattern of development uncharacteristic of the wider area.
6. Whilst there is a close-board fence running along the public footpath, this would not completely screen the development from view. From this vantage point, the dwelling would still be a large, prominent feature that would be seen above the fence. The development would also be visible to private views from dwellings in the vicinity of the site. From these vantage points, the incongruous nature of the dwelling in relation to the prevailing pattern of development on Belmont Avenue would be readily apparent.
7. Moreover, it is clear there would not be a significant amount of space around the dwelling in terms of garden or the amount of separation between the dwelling and the boundaries of its plot, particularly to the rear of the building. This would also be out-of-keeping with the wider area where dwellings sit in generous plots, with large gardens to the front and rear. Irrespective of this, the lack of space would also lead to a cramped and over intensive form of development in its own right where the dwelling would appear to have been unacceptably squeezed into a constrained plot. This would only serve to exacerbate the incongruous and inappropriate nature of the development.
8. The appellant has put forward examples of other residential development that has taken place in the area. However, I have not been provided with the full details of these developments and thus cannot conclude with any certainty that they represent direct parallels with the proposal before me. In any case, I have considered this appeal on its own merits.
9. As a result of the above, I find the development would have a materially harmful effect on the character and appearance of the area. Accordingly, there would be conflict with Replacement Unitary Development Plan (UDP)(2005) policies D1, UR3 and UDP3 which seek, amongst other things, to promote a high standard of urban design which is well related to the existing character of the area and does not have an adverse effect on the surrounding environment.

Living conditions

10. The appellant's evidence implies that in order to address the previous Inspector's concerns the dwelling has been moved further away from No 23 and a garage and 1.8m fence are proposed. This fence would provide a reasonable level of screening from the ground floor windows and thus there would be no issues of loss of privacy from these. As with the previous application, the main concerns arise from the first floor windows.
11. The appellant has provided a plan illustrating that sight lines would be intercepted by the fence, which would provide some restrictions to visibility from upper floor windows. This would effectively extend the distance at which the garden of No 23 could be viewed from the development. This would not, however, restrict all visibility into the neighbouring garden.

12. Even though the dwelling would be built into the hillside, it would still sit at a higher level than No 23. The elevated and prominent position of the first floor windows, particularly those in the projecting gable feature, would give rise to an unacceptable level of both perceived and actual overlooking. Neither the distance of separation nor the screening is likely to be sufficient to fully mitigate the unwelcome feeling of being observed. I consider this would tangibly diminish the enjoyment of the garden space for neighbouring occupants.
13. In coming to my conclusion, I have had regard to the fact that it is not unusual to be subject to some degree of overlooking in a residential area. However, this does not mean that all forms of overlooking should be considered acceptable or appropriate. As such, I consider the siting of the development and its relative height and position above the neighbouring property would give rise to a materially harmful impact on the living conditions of the occupants of No 23 by means of overlooking and loss of privacy. Accordingly, there would be conflict with UDP policies D1 and UR3 which seek, amongst other things, to resist development that harms the amenity of existing residents.

Other matters

14. There have been no objections from the Council in relation to highways or drainage. I saw nothing to suggest that I should disagree with their findings in relation to these issues. However, these factors do not outweigh my concerns in relation to the impact on the character and appearance of the area or the effect on living conditions of neighbouring occupants.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR