
Appeal Decision

Site visit made on 1 March 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 16th March 2017

Appeal Ref: APP/W4705/D/17/3167950
359 Highfield Road, Idle, Bradford BD10 8RS

- 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 Ben Fawcett against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/06860/HOU, dated 11 August 2016, was refused by notice dated 2 November 2016.
 - The development proposed is demolition of existing garage and construction of new.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and construction of new at 359 Highfield Road, Idle, Bradford BD10 8RS in accordance with the terms of the application, Ref 16/06860/HOU, dated 11 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Dwg. No RG183/PL01.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than the roof lights expressly authorised by this permission shall be constructed on the southern side elevation of the building hereby permitted.

Main Issue

2. The main issue is the effect of the proposed development on the character or appearance of the Idle and The Green Conservation Area including the setting of the nearby listed building.

Reasons

3. Under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required in this case to have special regard to the desirability of preserving the setting of the listed building near the appeal site, No 363 Highfield Road (otherwise known as 'Highfield Cottage'), and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Idle and The Green Conservation Area.
4. Those statutory duties of general applicability are reflected in national policy in the form of the National Planning Policy Framework ('the Framework') and in policies BH7 and BH4A of the Council's Replacement Unitary Development Plan (RUDP), which respectively concern conservation areas and listed buildings. Insofar as they promote good design in context and the protection of the surrounding environment and amenity policies D1 and UR3 of the RUDP are broadly consistent with the Framework and may be accorded full weight also for the purposes of this decision.
5. The proposal subject to appeal involves the demolition and replacement of a 'Nissan' hut type of structure used as a domestic garage for 359 Highfield Road (supplemented by a wooden lean-to structure) with a new garage constructed of stone with a pitched slate roof containing 'conservation' style roof lights on its southern face and double doors facing the existing tarmac parking area in front of the existing garage. Although the footprint of the proposed replacement would approximate that of the Nissan hut and lean-to combined and the eaves height would approximate the maximum height of the former element of the current structure, the ridge height would be of the order of two thirds higher again. The perceived visible bulk of the building would therefore be significantly increased relative to the low profile of the existing. Moreover, it would be in an elevated position relative to Highfield Road and the listed cottage fronting it.
6. The conservation area as a whole is characterised by a varied assemblage of primarily stone buildings of varying types, but mainly housing, disposed around the radial structure of the principal thoroughfares according to the exigencies of the topography, leading to an informality of layout which is characteristic. Walls and roofs visible in varied relation to one another up and down the slopes are therefore also characteristic, and whilst the garage site subject to this appeal appears elevated relative to properties on Highfield Road, it is backgrounded by relatively new residential properties faced in stone in an elevated situation beyond the conservation area boundary in this location. These have a significant visual influence in the prospect from that highway and in the visible character of the area around the appeal site and the listed cottage. The latter is seen as one building amongst many more elevated buildings in this context, in what has been identified through appraisal as a key view in the conservation area.
7. Although the existing garage with lean-to is of some age I have no evidence to suggest that it is anything more than a cheap utilitarian structure set down in this context or that it has any particular historic or architectural significance material to that of the conservation area as a whole. It certainly does little for its appearance and from a character point of view I am not persuaded that it is of any significance beyond simply being an ancillary prefabricated structure of its time that has been utilised for practical purposes over a number of decades.

Although within the setting of the listed cottage, it has no clear significance to it that would merit preservation of the contribution it currently makes. It has apparently been screened in any event by hedging which has been significantly reduced, but is essentially an ephemeral attempt, presumably, to hide what might otherwise be considered an eyesore.

8. The proposed replacement is self-evidently a more substantial structure, albeit still utilitarian in function, and its perceived bulk clearly would be greater in the scene. However, bearing in mind its pitched roof design, its position set back to the rear of the listed building and the in any event dominant context of a variety of buildings stepped up the sloping land to the north, including the houses beyond the conservation area boundary, I do not consider that it would, in its context taken as a whole, appear visually overbearing relative to 363 Highfield Road.
9. The current setting of this listed building would clearly not be preserved as it is and the appearance and to some extent the character of the conservation area at this point would be altered, albeit not radically. However, given the relatively plain and otherwise harmonious design of the proposed building using materials characteristic of the area and the use of conservation roof lights not dissimilar to those deployed on the northern roof slope of the listed cottage, I do not consider the changes would be negative. Even though both the setting of the listed building and both the character and the appearance of the conservation area would be changed to some degree, I do not consider they would be significantly harmed or that the intrinsic significance of these designated heritage assets would be eroded, even though the proposed new addition would be obviously bulkier than the structure that would be replaced. Taking all things into consideration its impact on their significance would be broadly neutral and, insofar as removal of the unsightly temporary building would be a positive factor, there would be some enhancement of the appearance of the conservation area.
10. It follows that I do not accept that the proposal would conflict with the development plan policies cited by the Council. On the contrary, there would be accordance with the development plan and no harm in terms of paragraph 134 of the Framework. On that basis the appeal should be allowed and, whilst I have taken into account all other matters raised, including supporting comments and the wide range of third party objections to the extent that they are material, no considerations which might indicate an alternative outcome are sufficiently persuasive.
11. Amongst other things, opposing third parties have invoked the planning history of the site, but I must take the proposal as I find it. Redevelopment would extinguish any unauthorised use of the existing structure, if such has been established. Any subsequent proposal to materially change the use of the proposed garage would in any event be subject to planning control at the relevant time and the impact of any such proposal on the heritage assets comprising the listed building and the conservation area would be considered, amongst other factors, on their own particular merits. Similarly, any unauthorised commercial use of the proposed building once constructed would be subject to planning control and enforcement as appropriate.
12. The Council suggests only the standard conditions for the householder appeal procedure. However, it would be a freestanding building and hence the

matching materials condition is not adequate to the task of controlling materials in this sensitive context and the application and submitted drawing specify only stone, slate and timber without being more specific.

13. Moreover, it was originally indicated in the officer's report that it would be necessary to prevent insertion of additional windows in the proposed garage. Notwithstanding that it would be a garage rather than a house with habitable rooms, its elevation relative to the rear of Highfield Cottage means that any window inserted in the side wall on its southern elevation could lead to a perception of intrusive overlooking of that property, if for example occupiers of 359 Highfield Road were to spend any significant time in the garage. As the appellant clearly intends to construct the garage in accordance with the design submitted and includes high level roof lights for daylight in any event, such a condition, whilst necessary and reasonable in respect of that particular wall, would not impose any undue or unanticipated hardship.
14. In allowing the appeal for the reasons I have given, I therefore impose, in addition to the standard time limit and a requirement to adhere to approved plans, a requirement to submit samples of external materials to the local planning authority for approval and a suspension of permitted development rights in respect of additional fenestration on the southern elevation; in order that adequate control over those important aspects of the design may be exercised.

Keith Manning

Inspector