
Appeal Decision

Site visit made on 28 March 2017

by Thomas Shields MA DipURP MRTPI

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

Decision date: 13 April 2017

Appeal Ref: APP/W4705/C/16/3157769

The Old Glen Tea Room, Prod Lane, Baildon, Shipley, BD17 5BN

- 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 G Riddrough against an enforcement notice issued by the City of Bradford Metropolitan District Council.
 - The notice was issued on 28 July 2016.
 - The breach of planning control as alleged in the notice is without planning permission,
 1. the construction of a raised decking platform on a concrete base, and
 2. the installation of uPVC French doors in the front elevation of the premises.
 - The requirements of the notice are:
 1. Remove the concrete base and block walls.
 2. Restore the level of the land disturbed by complying with step 1 above to its original level using topsoil.
 3. Remove the unauthorised uPVC French doors which have been installed and reinstate the wall using materials to match the existing building.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural matter

2. The raised decking area was subject of an earlier dismissed appeal¹ when it then comprised the base of a proposed extension to the tea room. That proposal was considered on its merits as a whole extension. Since the matter before me relates only to the retained level area and uPVC doors, I have considered the development afresh on its own merits.
3. During the appeal process third party submissions² were made both against and in support of allowing the appeal. I have taken them into account in reaching my decision.

The appeal on ground (a)

4. The ground of appeal is that planning permission should be granted for the breach of planning control stated in the notice.

¹ APP/W4705/W/16/3146730

² Weightmans LLP and A. Hinckley

5. I consider the main issue in this appeal is the effect of the raised decking area and uPVC French doors on the character and appearance of the area.
6. The tea room is a traditional single storey building constructed in stone having a rectilinear plan form, and located close to Baildon Moor. It sits in close proximity and at right angles to the Old Glen Public House (PH), a much larger building also being of traditional stone construction. Both the tea room and the PH face onto a large hard-surfaced car parking area. The tea room has had some alterations over the years but nonetheless retains much of its original character and thereby continues to contribute to the quality of the surrounding area.
7. The square shaped decking area is of concrete construction with an artificial grass covering, extending outwards by approximately 5 metres towards the car park and is just over 30m² in floor area. Timber railings enclose the southern and western edges. The white uPVC French doors provide a level access from the tea room onto the decking area.
8. It is argued for the appellant that *the decking and railings fit in with the surroundings and is not detrimental to the local amenity*. No argument is submitted in respect of the uPVC French doors.
9. Although the height of the raised decking area, taken in isolation, is acceptable in design terms, I consider that the protruding square shape and scale of the development in terms of floor area is overly large and directly at odds with the small scale and much narrower rectilinear plan form of the host building. As such it is inappropriately prominent in its context with the tea room and the surrounding area.
10. While I acknowledge that the original character of the building has to a degree been compromised by later alterations, it nonetheless retains much of its original form and character. As such I consider that the white uPVC French doors introduce an overtly modern feature into a mature building originally constructed in stone with timber framed doors and windows. Given the loss of part of the stone fabric and its replacement with an inappropriate modern feature, I find that significant harm results to the character and appearance of the building and the surrounding area.
11. To conclude, I find that the raised decking area and the uPVC French doors result in significant harm to the character and appearance of the area in conflict with the requirements of saved Policies D1 and UR3 of the City of Bradford Replacement Unitary Development Plan (2005) which seek to ensure that new development is of a high standard of design and does not have an adverse effect on the surrounding environment.
12. The appeal on ground (a) therefore fails.

Thomas Shields

INSPECTOR