

Appeal Decision

Site visit made on 2 May 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 19th May 2017

Appeal Ref: APP/W4705/W/17/3169147
Land off Whetley Grove, Bradford BD8 9ED

- 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 Akhtar against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/09379/FUL, dated 14 December 2016, was refused by notice dated 7 February 2017.
 - The development proposed is detached house for family with disabled child and reallocation of land back from private ownership to open green space for the benefit of the existing residents.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Whetley Grove Conservation Area.

Reasons

3. The appeal site comprises a rectangular parcel of land within a predominantly residential area comprising in the main of terraced houses. The site is bound to the south by Macturk Grove, to the north by allotments, by a row of terraced houses to the east and the Grade II listed Rands Almhouses to the west. At the time of my site visit the site was somewhat overgrown.
 4. The site lies within the Whetley Grove Conservation Area (WGCA). As such, I must have regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA), which places a duty upon me to give special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
 5. The Council's WGCA Assessment (2006) states that much of the areas interest is derived from the buildings and the street spaces around them. The WGCA Appraisal published in 2009 identifies the appeal site as a key characteristic within in the WGCA which contributes vital greenery to the entirely residential area. The site is identified in the appraisal as a key open space which provides a positive contribution to the character of the WGCA.
-

6. The proposed two storey dwelling would be located in the south east corner of the site adjacent to the electricity substation. The property would be accessed from Macturk Grove. The existing stone wall which bounds the site would be retained and a new stone wall denoting the boundary of the house and garden would be erected. The appellant proposes retaining the rest of the site as open space and donating the land to the local community.
7. Given the high density residential development that characterises the surrounding area, the site provides an important parcel of green space in an area which would otherwise be devoid of soft landscaping. In my view, this area of greenery makes a positive contribution to the character and appearance of the streetscape. The proposed scheme would result in an unacceptable incursion of development into this important space. Whilst I appreciate that the appellant is willing to donate a considerable portion of the land back to the local community, I agree with the Council that this would need to be secured by way of a planning obligation and no such mechanism to secure this or management of the area has been agreed. Therefore, the loss of this vital green space would have an unduly harmful impact on the character and appearance of the WGCA.
8. The proposed dwelling would be constructed in natural stone and slate with sliding sash timber windows and a three section bay at ground floor level. The proposed design picks up cues from the adjacent houses and in this respect would not look out of keeping. Nevertheless, I do not consider that this outweighs the impact of the loss of the open space within the WGCA.
9. I therefore find that the proposed development would be harmful to the character and appearance of the WGCA. The finding of harm to the character and appearance of a heritage asset is a consideration to which I must attach considerable importance and weight.
10. Although I have found that the proposed development would fail to preserve or enhance the character and appearance of the Conservation Area, given the size and scale of the proposal within the Conservation Area as a whole, the harm to the significance of the heritage asset would be less than substantial. Thus, it is necessary to consider, in accordance with paragraph 134 of the National Planning Policy Framework (the Framework), whether there would be public benefits to the scheme sufficient to outweigh that harm.
11. I note the appellant's understandable desire for a ground floor bedroom and bathroom for his disabled daughter. Nonetheless, whilst this would be of benefit to the appellant it would not constitute a public benefit. As referred to above, I cannot take into account the donation of the land to the local community due to the lack of a mechanism to secure this. The lack of objection from the Highways Authority is a neutral factor which neither weighs for or against the proposal. I therefore consider the public benefits of the proposal would be limited and insufficient to outweigh the harm identified.
12. Accordingly, I consider the proposed development would be contrary to Policies UDP3, UR3, D1 and BH7 of the Replacement Unitary Development Plan. These seek, amongst other things, to preserve or enhance the character and appearance of Conservation Areas and the built and natural environment.

Other Matters

13. Preserving the setting of a listed building is a matter of considerable importance and weight and I am mindful of my duty under Section 66(1) of the PLBCAA in this regard. While the proposed development would result in a measure of perceptible change to the setting of the nearby listed buildings, and the context in which it is experienced, this would not be of a magnitude to constitute harm given the scale of development, the degree of separation and the intervening substation. Hence, the effect of the proposal would be neutral and therefore the setting of the nearby listed buildings would be preserved. Nevertheless this does not diminish the harm to the character and appearance of the WGCA that I have found above.

Conclusion

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

Caroline Jones

INSPECTOR