
Appeal Decision

Site visit made on 1 August 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 18th August 2017

Appeal Ref: APP/W4705/D/17/3175072
110 Skipton Road, Ilkley LS29 9HE

- 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 Richard Doyle against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/07296/HOU, dated 28 August 2016, was refused by notice dated 23 March 2017.
 - The development proposed is a detached carport with an office above plus associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a detached carport with an office above plus associated works at 110 Skipton Road, Ilkley LS29 9HE in accordance with the terms of the application, Ref 16/07296/HOU, dated 28 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: 0001-001 Location Plan; 0001-002 Block Plan; 0001-003 Survey Drawing; and 0001-004 D Planning Drawing.
 - 3) The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 110 Skipton Road, Ilkley LS29 9HE.
 - 4) 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.

Application for costs

2. An application for costs was made by Mr Richard Doyle against City of Bradford Metropolitan District Council. This application will be the subject of a separate Decision.

Procedural Matters

3. Since the Council determined the planning application, the Local Plan for the Bradford District Core Strategy Development Plan Document (2017) (Core

Strategy) has been adopted. The policies contained within the Core Strategy have replaced those in the Replacement Unitary Development Plan for the Bradford District (2005). As such, I have considered the appeal on the basis of the policies contained within the Core Strategy.

Main Issues

4. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Ilkley Conservation Area, and including the effect on trees; (ii) whether adequate access would be provided; and (iii) the effect on the living conditions of the occupiers of 5,7 and 9 Riverside Walk by way of privacy.

Reasons

Character and Appearance

5. The appeal site contains a substantial semi-detached residential property with a large rear garden that abuts Riverside Walk. Levels drop significantly towards the rear of the garden to a hardstanding area, which is enclosed on three sides by retaining walls. The area of the garden nearest to Riverside Walk contains trees and vegetation, a domestic shed and steps which lead down to the hardstanding.
6. The long rear gardens of the properties on Skipton Road extending down to Riverside Walk is a characteristic of the area, along with associated substantial amounts of trees and vegetation. The rear of 108 Skipton Road also contains two modest sized single garages which front onto Riverside Walk. At the end of Riverside Walk, No 11 contains a substantial garage extension with accommodation above. The Conservation Area boundary is formed by Riverside Walk.
7. The design of the proposal has sought to incorporate elements that are evident on the main and nearest properties on Skipton Road, with the steeply pitched roof slopes, use of gables, timber sash windows and the architectural detailing. This would result in a broadly consistent appearance and it would maintain this aspect of the significance of this part of the Conservation Area. As the main house is elevated compared to where the proposal would be sited, there would be inter-visibility between the two. With the eaves level set low on Riverside Walk and the roof then sloping back to take the massing away from this frontage, and having regard to the tree screening which is provided along Riverside Walk, the proposal itself would not appear unduly prominent.
8. As well as the garages at No 11, during my site visit, I also observed further examples of detached buildings of a similar scale situated in the spacious gardens of larger properties in the Conservation Area. The form and appearance of the proposal would not appear out of keeping with its surroundings.
9. The trees and vegetation add appreciably to the significance of this part of the Conservation Area, to give it a green and pleasing character. No trees are proposed to be removed to accommodate the proposal, and as it would be constructed on the hardstanding area, it would not likely pose a threat to the trees that would be located nearest to the proposal. As such, it would also maintain this element of the significance of the Conservation Area.

10. I conclude the proposal would preserve or enhance the character or appearance of the Ilkley Conservation Area, and as such it would comply with statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and with Policy EN3 of the Core Strategy that requires proposals to conserve the significance of Bradford's heritage assets. It would also comply with Policies SC9, DS1 and DS3 of the Core Strategy which require proposals to have regard and respond to their context, and ENV5 which protects trees that contribute to the character of the area.

Access

11. Riverside Walk is of a single track width, apart from a short section near where it joins Stourton Road, where it widens to allow two vehicles to pass. It is of a paved construction that can accommodate vehicular movements and forms the access for properties on Riverside Walk.
12. The size and unobstructed internal layout of the proposal would enable cars to be parked off Riverside Walk and prevent obstruction from parking itself. Although the parking spaces would not be able to be both ingressed and egressed in a forward gear, two spaces would only be likely to generate limited movements and as a small number of properties are accessed from Riverside Walk beyond the site, this would also not give rise to an undue level of obstruction. The short duration of time it would take to access the parking would also mean emergency vehicles would also not likely be inconvenienced.
13. The use of the proposal would be for a small home office business and whilst I am aware of comments made in relation to whether or not the business would attract visits from Clients, I consider that even if this was the case it would be far more likely visitors would park in the sizeable area in front of the property, because of its ready access off Skipton Road. It is not intended the proposal would be for a business use separate to the occupation of the residence, and this is a matter which could be ably controlled through a planning condition.
14. I conclude the proposal would provide adequate access and as such it would comply with Policies TR1 and DS5 of the Core Strategy that seek to reduce the demand for travel, limit traffic growth and reduce congestion, including by encouraging development that reduces travel needs through the promotion of home working, and the provision of appropriate design arrangements for servicing.

Living Conditions

15. The residential properties opposite the site each present a single storey elevation that is orientated towards Riverside Walk. The main living spaces, and associated windows and doors, are set back behind walls or vegetation. The nearest part of each property to the proposal is its garage.
16. With the enclosed nature of these properties and the further screening afforded by their respective garages, the proposal would not result in significant overlooking of Nos 5 and 7. The orientation of the proposed rooflights to No 9 would be more direct and less obstructed, although overlooking would not be unreasonable with the intervening distance over Riverside Walk and the angle at which the rooflights would be positioned to look over the property, and not directly to its windows and doors.

17. I conclude the proposal would have an acceptable effect on the living conditions of the occupiers of Nos 5, 7 and 9 by way of privacy and as such it would comply with Policy DS5 of the Core Strategy which states that development should not harm the amenity of existing residents. It would also comply with Policy SC9 as far as, in broad terms, it seeks to protect the living conditions of the occupiers of neighbouring properties. It would also comply with Design Principle 2 of the Local Development Framework for Bradford Householder Supplementary Planning Document (2012) (SPD) as it would not cause unacceptable harm to the privacy of neighbours.

Other Matters

18. With the enclosed nature of the properties on Riverside Walk, the distance to the proposal and with the massing of the associated roof angling further away from these properties, it would not be overbearing nor cause significant levels of overshadowing. The character and appearance of properties on Riverside Walk opposite the site is also markedly different from those on Skipton Road. This is reflected in the Conservation Area boundary, and the design and form of the proposal reflects that the site lies within this designation, as is required under the statutory duty. The proposal would thus comply with Design Principles 1 and 3 of the SPD as it would maintain the character of the house and the wider area, and not have an over dominate effect or significantly reduce daylight.
19. Although I am aware of comments made about the planning status of the hardstanding and whether it is used for car parking, I have considered the appeal on the basis of the proposal before me and found it to be acceptable. Effects on the Conservation Area, access and living conditions would need to be assessed separately for each proposal and circumstances, so my decision would not set an undue precedent. Riverside Walk can clearly be accessed by vehicles, and the road network allows for connection onto the public highway, so I consider the red line on the Location Plan (ref: 0001-001) to be acceptable; covenants concerning the use and maintenance of the access itself are a private issue and as such I attach limited weight to this in my decision. None of these matters alter my conclusions.

Conditions

20. I have imposed conditions necessary in the interests of certainty (1 and 2) and so that a separate use of the proposal is not formed in order that the access is suitable (3). I have also imposed a condition that require samples of external facing materials to be submitted and agreed, in order to safeguard the character and appearance of the Conservation Area (4). As the proposal is a new building and not an extension, a condition cannot be imposed that materials match the existing building. I also require the samples to be submitted pre-commencement as this matter needs to be addressed at the start of the implementation of the permission.

Conclusion

21. For the reasons set out above, I conclude the appeal should be allowed.

Darren Hendley

INSPECTOR