
Appeal Decision

Site visit made on 25 July 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/W4705/D/17/3172891

1 Wheatlands Square, Heaton, Bradford, West Yorkshire BD9 5LX

- 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 M Hussain against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/09087/HOU, dated 23 November 2016, was refused by notice dated 10 January 2017.
 - The development proposed is front dormer window, including gable end conversion, rear dormer window (under permitted development), enlargement of existing front porch and bay window and separate double garage with playroom over.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the Bradford Core Strategy (CS) on 18 July 2017. From other casework within the area, I note that the Council has indicated that Policies UDP3, UR3 and D1 of the Bradford Replacement Unitary Development Plan have been superseded by Policies SC9, DS1, DS2, DS3, DS4, DS5 and EN5 of the CS. Having regard to this, I find that the most relevant policies relating to this appeal are Policies SC9, DS1, DS3 and DS5 of the CS. In consideration of the above, I find that neither the Council's nor the appellant's case is materially affected by the change in policy context. As a result, I have determined the appeal against the most up-to-date policy context of the CS.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and
 - living conditions of neighbouring occupiers, with regard to dominance and outlook.

Reasons

Character and appearance

4. The appeal property is situated on Wheatlands Square which is a small cul-de-sac characterised by two-storey semi-detached dwellings set back from the public highway in a circular arrangement. Each property is positioned on generous plots and has a good amount of amenity space within those plots.

Most dwellings around the cul-de-sac have single, detached garages which are set back and to the side of the properties. Furthermore, I note that several properties have side extensions which are set back from the principal frontage of their host properties and appear subservient in scale and form. However, as a result of the circular layout around the cul-de-sac, the appeal property has a significant side garden area which has a prominent and open position in relation to other properties within Wheatlands Square.

5. The main element of the proposed development the subject of this appeal is a detached two storey building which would accommodate a double garage with a playroom above. The appellant states that the size and scale of the window openings to the first floor of that building would reflect that of the host property and neighbouring properties. However, I find that this supports my view that the proposed building would have the appearance of a separate residential unit, rather than an ancillary building to its host dwelling.
6. The proposed building would be set back from the host dwelling and the appellant argues this would make it appear subservient and allow the main property to retain the primary function and dominance on the site. However, I find that the scale, height, position and appearance of the proposed building would not allow it to appear subservient or ancillary to the main dwelling.
7. Furthermore, due to the slightly elevated nature of the appeal site to the adjacent property at 2 Wheatlands Square (No.2), I find that despite being set back from the host property, the proposed building would have a similar ridge height to No.2. It would also have a frontage which would be broadly aligned with, and slightly forward of, the front elevation of No.2.
8. In addition, the proposed garage and playroom would fill a significant visual gap between two locally characteristic pairs of semi-detached properties positioned around the cul-de-sac. Moreover, the gap would be filled by a two-storey, detached building which would not appear subservient and would be out of keeping with the type of development which predominates in the area. Due to its proximity to No.2 and the host property, the proposed building would create a terracing effect which would not be in keeping with the prevailing pattern of development.
9. From what I have seen and read, I find that the proposed garage and playroom would not appear as a subservient, ancillary building to the host property. Furthermore, its detached nature and height would be out of keeping with the prevailing type and pattern of development. As a result, it would appear as an incongruous development within the cul-de-sac and would have a significant detrimental effect on its surroundings.
10. Consequently, I conclude that the proposed development would have a significant adverse impact on the character and appearance of the area. Therefore, it would be contrary to Policies SC9, DS1 and DS3 of the CS. Amongst other matters, these policies seek to ensure that development is of high quality design and has no significant detrimental impact on the character or appearance of its surroundings.

Living conditions

11. The proposed garage and playroom would be positioned close to the site boundaries with neighbouring properties at No.2 and 93 Duchy Drive (No.93).

Its scale, design and position would result in the proposed building being overbearing and it would have a dominant impact on neighbouring properties and occupiers. I note that it would be set forward of the front elevation of No.2 and acknowledge that the front part of the proposed building would be single storey. However, due to the elevated position of the proposed building, its proximity to the site boundary, the front elevation of No.2 and its ground floor front facing window, I find that the proposed building would have a significant adverse impact on the outlook of the occupiers of No.2 from that front window.

12. Furthermore, from the submitted floor plans, I note that the side and rear elevations of the proposed building would be blank brick walls, predominantly two storeys in height. Notwithstanding the presence of the single storey structure adjacent to the rear boundary of the appeal site, which I noted at the site visit is attached to the dwelling at No.2, I find that due to its height, proximity to the boundary and its blank elevations, the proposed building would create an unacceptable sense of enclosure and dominance for neighbouring occupiers, particularly relating to the garden area of No.93. As a result, I find that the outlook of the occupiers of No.93 would be significantly diminished by the proposed building.
13. Consequently, I conclude that the proposed development would have a significant detrimental effect on the living conditions of neighbouring occupiers with regard to dominance and outlook. It would therefore be contrary to Policies SC9, DS1 and DS5 of the CS. Amongst other matters, these policies seek to ensure that development has no significant adverse effect on the living conditions of existing, neighbouring and future occupiers.

Conclusion

14. The proposed development would improve the living conditions of the existing and future occupiers of the appeal property by increasing the amount of residential accommodation available within an established residential area. However, whilst I acknowledge and appreciate that elements of the overall proposal are permitted development, the proposed garage and playroom building would have a significant adverse impact on the character and appearance of the locality and on the living conditions of neighbouring occupiers. Having considered all matters carefully and had due regard to the evidence before me, I find that the benefits of the proposal would significantly and demonstrably be outweighed by the harm I have identified.
15. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR