

Appeal Decision

Site visit made on 25 June 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/W4705/W/19/3225751

1 Wrexham Road, Burley in Wharfedale, Ilkley LS29 7LS

- 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 and Mrs Halliday against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 18/04252/FUL, dated 21 September 2018, was refused by notice dated 29 November 2018.
 - The development proposed is a detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 19 February 2019, the Government published an updated revised version of the National Planning Policy Framework (the Framework). In relation to the main issues in this appeal, Government policy has not materially changed, and no parties have been prejudiced by my having regard to it.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of existing occupiers at 1 and 1A Wrexham Road and whether it would provide acceptable living conditions for future occupiers.

Reasons

Character and appearance

4. Lying towards the western edge of the village of Burley in Wharfedale, Wrexham Road is characterised by a mixture of detached and semi-detached dwellings of varying styles and forms. It is approached from the centre of the village along Sun Lane, a road also of mixed character that includes bungalows, traditional two storey stone dwellings as well as more modern houses.
5. No 1 Wrexham Road is situated on the corner with Sun Lane, from which it is set-back behind a generous side garden. The existing two storey dwelling presents a side gable to Sun Lane as well as the side elevation of a flat roof extension onto the rear, which incorporates the main entrance to the house.

6. The appeal site is part of the rear garden to No 1, which includes a large detached garage built in 2009 with access onto Sun Lane. The proposal would introduce a detached bungalow, designed to lifetime home standards. It would have a contemporary appearance, with an irregular roof design to allow vaulted roof space accommodation above the ground floor. A previous planning application for a dwelling to the rear of No 1 was refused in 2005. This pre-dated the construction of the detached garage. I also acknowledge that in comparison, the appeal proposal would be of a lower height and on a moderately larger site.
7. The character of Wrexham Road is defined, in part, by the houses being positioned within sizeable plots. They are unified by a similar set back from the highway behind front garden/drives and typically, with long rear gardens. Other infill development along the road, including those at Nos 1a, 2a and 6a, have been consistent with this form. The infill at 70a Sun Lane also retains a front and rear garden and reflects the layout of the adjacent house at No 70.
8. In contrast, the appeal proposal would extend to approximately half the plot of No 1 and consequently, the back garden of this existing property would be substantially reduced, effectively to a patio area and driveway. I find that this sub-division would be contrary to the established pattern of houses and gardens along the road.
9. Although I do not find the parking arrangement to the front of the house to be uncharacteristic, as a result of the width of the proposal, the dwelling would be positioned in close proximity to each side boundary and to the rear perimeter of the site. Its garden would therefore be largely to the front, adjoining the road. This would be at odds with the prevailing character of dwellings within the vicinity of the appeal site, which are generally set comfortably within the plot with gardens to the front and typically, larger gardens to the rear.
10. Furthermore, the ground floor footprint of the dwelling would be larger than No 1. It would also project marginally forward of the side elevation of this existing dwelling as it fronts Sun Lane, increasing its prominence. I acknowledge that it would provide the opportunity to introduce technology/building methods to reduce energy consumption and that its contemporary appearance sufficiently reflects that of neighbouring properties. However, this would be outweighed by the fact that the combined effect of its siting, scale and mass would be a dwelling that would appear cramped. It would therefore be an incongruous addition within the street scene and fail to assimilate sufficiently.
11. For these reasons, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policies DS1, DS3 and SC9 of the City of Bradford Core Strategy (July 2017) (CBCS). These policies seek, amongst other matters, to achieve good design to create high quality places and ensure that proposals have regard to its context and responds positively to existing patterns of development.

Living Conditions

12. The proposed bungalow would be sited within approximately 2m of the boundary shared with the neighbouring house at No 1A Wrexham Road, which is mainly a mature high hedge. Whilst the ridge height of the dwelling would be lower compared to either Nos 1 or 1A, it would be higher than the existing

- detached garage and it would be visible above the joint boundary, as shown by the massing visuals. It would also extend for almost the entire length of the rear garden to No 1A. Taken together, the proposed dwelling would therefore be conspicuous from the rear elevation and rear garden of No 1A.
13. Being to the north of No 1A, I accept that the proposal would have no significant impact on their sunlight, as demonstrated within the sunlight path diagrams, nor would there be any overlooking issues from the single ground floor bathroom window. It would nonetheless result in a loss of outlook from their rear facing windows and create a sense of enclosure within their rear garden.
14. The side wall of the proposed bungalow would also be approximately 7.5m from No 1 Wrexham Road at the closest point. Being sited to the east, any impact of the proposal on sunlight into No 1 Wrexham Road would be limited to the morning hours. However, whilst I appreciate the appellant's view that the windows within this rear elevation are secondary aspect, on my site visit, I observed a pair of patio doors to living accommodation. These look towards the appeal proposal. The Design and Access Statement and plans also indicate a potential first floor extension above this rear extension, to include a bedroom. At such close proximity, the proposal would be dominant and overbearing to the occupiers of No 1 and detrimental to their outlook as a result.
15. For future occupiers of the proposal, the garden to the proposed dwelling would be to the front of the house. Whilst it would be visible from the upper floor rear windows to No 1, it would be at an oblique angle and beyond the driveway. Furthermore, whilst the plans state that the existing hedge to Sun Lane would be retained/extended, on my site visit, I saw that it is a boundary fence. Nonetheless, it provides a degree of screening to the existing garden. I also observed that Sun Lane was relatively quiet in terms of pedestrians walking along the pavement adjacent to the appeal site. In the absence of any guidance on minimum garden sizes I therefore consider that the garden would be suitable and sufficiently private for future occupiers.
16. Whilst I find that the proposal would provide acceptable living conditions for future occupiers, I conclude that it would unacceptably harm the living conditions of the occupiers at 1 and 1A Wrexham Road. It would therefore be contrary to Policy DS5 of the CBCS. This policy requires development to, amongst other matters, not harm the living conditions of existing or prospective residents.

Other Considerations

17. I have given careful consideration to the personal circumstances of the appellants. I understand that the bungalow would provide them with accessible living accommodation and a lifetime home and the security to provide any care that may be required in the future. It would also allow them to stay in the village where they have a strong social network and I recognise the support for them expressed within the third-party representations. I appreciate that it would not be a developer-led scheme, but rather, a personal project to maintain their quality of life as long as possible.
18. The appellants also advise that there is no housing stock in the village to meet their criteria and that, in any event, the cost of selling and relocating to an existing bungalow, including moving costs and alterations to make it

accessible, would impact on future financial care arrangements. However, I have no substantive evidence before me in relation to the availability or suitability of other houses within Burley in Wharfedale nor evidence that the costs cited by the appellants would be greater than those associated with the construction of the proposed dwelling.

19. Whilst I am sympathetic to their situation, I cannot be wholly satisfied that their requirements could not be met in a manner that would be less harmful to the character and appearance of the area and the living conditions of existing occupiers. Taking all these factors into account, I do not find that the personal circumstances of the appellants is a matter of sufficient weight to outweigh the harm that I have identified above.
20. The consultation response from the Council's Bio-diversity Team, upon which the appellant has had the opportunity to comment, indicates that the appeal site is within 2.5km of the South Pennine Moors Special Protection Area (SPA). It is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. These impose a duty on local planning authorities as the competent authority, to consider whether any proposal may have a significant effect on such a protected area either alone, or in combination with other plans and projects. I appreciate that the Council's position is that the effects of this proposal could be mitigated by a developer contribution secured via the Community Infrastructure Levy (CIL).
21. Regardless of that, it is necessary for me to address the effects of the proposal on the integrity of the SPA. Consequently, an appropriate assessment (AA) would be required to ensure compliance with the Habitats Directive. I am unable to determine whether the Council carried out an AA as no documents relating to this assessment were presented as part of its case in relation to the appeal. If I had been minded to allow it, it would therefore have been necessary for me to go back to the parties to seek further information in order to complete an AA for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.
22. I have had regard to the third-party representations in relation to car parking. The Council's Highways Officer confirms that the parking would comply with current guidelines and it would be unlikely to lead to any undue highway safety concerns. In relation to its location within the site and its proximity to the neighbouring property, as I am dismissing the appeal on the main issues given above, I have not pursued this matter further.

Planning Balance

23. From the evidence before me, it is apparent that the Council is not able to demonstrate a 5-year supply of deliverable housing sites. Therefore, having regard to the Framework, the presumption in favour of sustainable development applies and relevant policies that are most important for determining the application should be considered out-of-date.
24. In the context of the development plan, I have found that the proposed development would be contrary to Policies DS1, DS3, DS5 and SC9 of the CBCS. The overall high-quality design and protection of living conditions objectives of these policies are consistent with the Framework. As such, they can be afforded substantial weight.

25. I recognise that the Government seeks to significantly boost the supply of homes. I also acknowledge that the site is within an accessible location for housing, close to services and facilities and with good access to public transport where residential development would be acceptable in principle.
26. However, the benefits arising from one new dwelling and its contribution to housing supply would, in my view, be limited. The appellant has drawn my attention to an appeal decision¹ in an area also without a 5-year supply of deliverable housing sites, where the Inspector concluded that the provision of one new home would weigh in favour of the proposal. But in that case, no harm was identified in respect of the main issues. For that reason, I do not find it to be directly comparable and in any event, I must consider the proposal before me on its individual merits.
27. I consider that the provision of one dwelling would not significantly and demonstrably outweigh the harmful effect on the character and appearance of the area or upon the living conditions of the existing occupiers that I have identified. I therefore find that the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

28. For these reasons, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR

¹ APP/A4710/W/18/3214566