



Appeal Decision

Site visit made on 29 October 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/W4705/W/19/3234877

5 Dale View, Ilkley, LS29 9BP

- 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 William Scott against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/01578/FUL, dated 9 April 2019, was refused by notice dated 12 July 2019.
 - The development proposed is described as 'Resubmission of 18/01209/FUL. Change of use from adopted highway to private curtilage'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr William Scott against City of Bradford Metropolitan District Council. This application is the subject of a separate Decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

4. The main issue for consideration is the effect of the proposal on the character and appearance of the local area.

Reasons

5. The appeal site comprises a roughly semi-circular shaped patch of grassland set within a residential housing estate. It is located at the junction of Woodlands Rise and Dale View and is bound on one side by the curtilage of 5 Dale View, extending across part of the frontage of 5 Dale View. At present a footpath intersects the space. The proposal is for the change of use of part of this grass verge into residential curtilage.

6. I note that a previous proposal for a similar change of use was dismissed at appeal¹. Subsequently, the proposal has been amended to reduce the proportion of the verge to be incorporated into the garden to 40%.
7. The verge constitutes open space and is one of three in the immediate area, with two smaller examples located either side of Woodlands Rise. I note from all I have read, that the main parties agree that this parcel of land has limited recreational value. Given its location adjacent to two roads, its size and incline I have no reason to disagree.
8. However, the open space makes a significant contribution to the character of the area by maintaining a sense of openness. The change of use to residential curtilage would include a timber fence to enclose the new garden area and any associated domestic paraphernalia. Whilst I acknowledge that the area of open space that would be lost to private garden has been reduced from the previous proposal, the development would erode the openness of the immediate area, causing harm to its character and appearance as a result. I am unconvinced that the footpath is in such a poor condition to justify the proposal.
9. The personal and medical circumstances of the appellant's family put forward in support of the proposal are noted. However, these personal circumstances need to be balanced against other material considerations. While the benefits of increased privacy are acknowledged, I am not convinced this cannot be achieved without the need to erode public open space which makes an important contribution to the local area. As such the private benefits of the proposal do not outweigh the harm I have identified.
10. To conclude on this issue, the proposal would have a harmful effect on the character and appearance of the area. The proposal therefore fails to comply with policies DS1 and DS3 of the City of Bradford Core Strategy Development Plan Document and the design aims of the National Planning Policy Framework. Collectively, these seek to achieve good design, create high quality places and respond to positive patterns of development which contribute to the character of an area.

Other Matters

11. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, for the reasons set out above, it does not follow from the PSED that the appeal should succeed.

Recommendation

12. For the reasons given above and having had regard to all other matters raised, including the positive officer recommendation, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

¹ Appeal ref: APP/W4705/W/18/3207395

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR