
Appeal Decision

Site visit made on 9 March 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/W4705/D/19/3241796

6 Carr Grove, Riddlesden, Keighley BD20 5HW

- 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 Daniel Wootton against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/03088/HOU, dated 18 July 2019, was refused by notice dated 3 October 2019.
 - The development proposed is a detached garage and decked area at the rear of the property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given on the application form does not actually describe the proposed development at the property, so the description used in the banner heading above is that used on both the decision notice and the appeal form. However, I have not used the final clause referring to the proposal as being a resubmission of a previous application as that is not an act of development and so is superfluous.
3. The garage and an area of decking over this and the rest of the rear garden has already been constructed on the site. This was the subject of a previous application for permission¹ that was refused. The appeal scheme seeks to overcome the issues raised in that application by reducing the size and height of the decked area. These alterations have not yet taken place. For the avoidance of doubt, my determination of the appeal is on the basis of the drawings as submitted, and not on the area of decking as constructed at the property at present.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of No 8 Carr Grove with particular regard to outlook and light.

Reasons

5. The appeal property is a semi-detached dwelling located on a hillside in a residential area. Due to the topography this, and neighbouring properties, are

¹ Application Reference 18/03487/HOU

set up from the road. The garage has been built to the side and rear of the property. The proposed elevated decked area would cover the rest of the rear garden and would be accessed from patio doors on the rear elevation.

6. The Council has not raised any objection to the garage. It is a similar size and design to many others in the area and occupies a similar position. Nothing I have seen or read leads me to come to a different conclusion in relation to this element of the proposal.
7. In order to ensure privacy for the adjoining neighbour (No 8) a fence approximately 1.9m high would be erected along the common boundary. However, the fence would be erected above the decking which is raised some distance above the ground level. As a result, the Council have indicated that the overall height of the fence would be around 2.3m.
8. The adjoining property has two ground floor windows on the rear elevation, one of which is close to the common boundary. The presence of a fence of this height, the entire length of the garden, would have an overbearing impact and create an unneighbourly sense of enclosure to the modest rear garden. In addition, it would dominate the outlook of, and significantly reduce the amount of light received by, the ground floor window closest to the boundary.
9. Consequently, I consider the proposal would unacceptably harm the living conditions of the occupiers of No 8 Carr Grove with particular regard to outlook and light. Accordingly, it would be contrary to Policy DS5 of the *Bradford Core Strategy Development Plan Document (adopted July 2017)* (BCS) which seek to ensure that developments do not harm the amenity of existing or prospective users and residents. It would also conflict with paragraph 127 of the *National Planning Policy Framework* which requires that developments provide a high standard of amenity for existing and future users.

Other Matters

10. The appellant has suggested that they have a human right to enjoy their home, however, that right applies to their neighbours as well. Given the harm I have identified the scheme would cause to the neighbours this would not be the case. Whilst it is stated that the adjoining occupiers did not object to the proposal, the evidence provided by the Council includes letters of objection from neighbours on both sides of the appeal property.
11. In support of the appeal my attention has been drawn to a number of both national and local policies relating to the need to ensure the provision of housing to meet the needs of different groups of people. However, the policies referred to relate to the supply of new housing whereas the appeal scheme is for an alteration to an existing house. As such, the policies are not directly relevant to the appeal scheme. Nor am I persuaded that the proposal makes the dwelling resilient to the impacts associated with climate change.
12. In addition, it has been highlighted that the *Householder Supplementary Planning Document (adopted April 2012)* (SPD) which the Council refers to predates the adoption of the BCS. It is therefore suggested that it is out of date. However, the introduction to the SPD clearly indicates that the previous development plan was going to be superseded by a new plan and states that when this happens the SPD will continue to support the equivalent design

policies in the new plan. Given this, I am satisfied that the guidance it contains is not out of date.

13. Whilst the decked area would provide a flat outdoor space that would be useable by young and old as well as people with mobility issues, there is no evidence before me to indicate that a ground level rear garden could not also provide such a space. Whilst access to the original garden from the house would have required utilising steps, so does access into the house in the first instance. In addition, I am not persuaded that on its own the area of decking makes the dwelling suitable for larger/extended families, or people with disabilities. Nor is there any evidence before me to show that the occupants of the dwelling have protected characteristics for the purposes of the Public Sector Equality Duty arising from section 149 of the Equalities Act 2010.
14. My attention has also been drawn to the health benefits of having an outdoor seating area, and particular reference is made to how it could help address Vitamin D deficiency. However, there is no evidence to show that a seating area in the original rear garden would not have the same benefits.
15. It is not disputed by the parties that the revisions made since the last application mean that the proposal would not result in a loss of privacy to neighbouring residents. Additionally, the scheme would not be detrimental to the character and appearance of the area or to highway safety. Be that as it may, an absence of harm in these areas is a neutral factor and does not outweigh the harm to the living conditions I have identified the scheme would cause in other respects.

Conclusion

16. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR