



Appeal Decision

Site visit made on 21 July 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/W4705/D/20/3253024

103 Upper Rushton Road, Bradford BD3 7LG

- 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 H Ali against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/00794/HOU, dated 27 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is described as 'retrospective construction of extension to front (resubmission)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I observed during my visit that the development has already taken place. I have therefore dealt with the appeal on the basis that the development has already occurred and with regard to the plans submitted with the application.
3. The appellant's initial evidence referred to health conditions affecting one of the current occupants of the appeal property. Mindful of the Public Sector Equality Duty (PSED) established by the Equality Act 2010, I gave the appellant the opportunity to supply further information on this matter. The Council were provided with a copy of the material submitted in response to this request and given the opportunity to make any further comments on this specific issue. Consequently, I consider that no prejudice would occur to any party as a result of me taking into account this additional information.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

5. The appeal property is a two storey mid-terrace house as part of a row of four houses. The properties have a render finish to the upper part of the elevation with a stone finish to the lower part and traditional pitched roofs covered in slate. The appeal property, along with its surrounding neighbours, form a distinctive yet understated group in the street scene with an obvious planned arrangement.

6. Although some of properties along the street have erected front extensions of varying scales and designs, the majority have not. In this respect, the original building line to the principal elevation remains substantially defined, providing a degree of uniformity which adds positively to the character and appearance of the surrounding area.
7. The development has introduced a large single storey extension which projects forward of the principal elevation by approximately 1.5 metres and extends across the elevation by approximately 5 metres. Due to the extent of its coverage of the principal elevation combined with its forward projection, the extension amounts to an overly assertive addition to the property that harmfully disrupts the general uniformity and pattern of development found along this part of the street. Moreover, the roof form is a contrived mix of a monopitch and gable arrangement that lacks architectural subtlety, adding to its incongruity, undermining the original simple character of the host property and fundamentally altering its appearance.
8. In coming to this view, I have taken into account the small number of front extensions along the street, as pointed out by the appellant, including at the neighbouring property at No 101. However, the Council have advised that these other extensions do not benefit from planning permission and some are subject to ongoing enforcement action. It has also been put to me that some of these other extensions are now permitted because the enforcement period has expired. That is not to say that these other extensions are acceptable in planning terms. In my judgement, the examples I have been referred to serve only to demonstrate the harmful interruption such large front extensions make to the street scene and therefore these limited examples should not be used as a justification to permit similar proposals.
9. I conclude that the development has a significant harmful effect on the character and appearance of the host property and the surrounding area. This is contrary to Policies DS1 and DS3 of the Local Plan for the Bradford District Core Strategy Development Plan Document (adopted July 2017). Together these policies seek to achieve good design and high quality places with development proposals being appropriate to their context and responding to positive patterns of development which contribute to the character of the area.
10. The proposal would also fail to comply with the design principles set out in the Council's Householder Supplementary Planning Document (SPD) which advises that extensions to houses should maintain or improve the character and quality of the original house and wider area.

Other Matters

11. I have carefully considered the reasons given for why the appellant has applied for planning permission to extend the property. Given the sensitive personal nature of the information before me, as part of the appeal documentation, it would not be appropriate to go into specific details here, except to confirm that I have no reason to doubt the supporting information that has been presented to me. I am therefore satisfied that an occupant of the property is a person with a protected characteristic for the purposes of applying the PSED. Accordingly, I have had due regard to the PSED arising from section 149 of the Equalities Act 2010 and I have also had regard to the rights conveyed within the Human Rights Act 1998.

12. I accept that the extension has improved the living conditions of the appellant's family. These are personal circumstances to which I attribute positive weight in favour of the appeal. In weighing the personal circumstances presented by the appellant, this has to be considered against the significant harm that would be caused to the character and appearance of the dwelling and the surrounding area, if the appeal were to succeed. In this regard, I am mindful that the proposal would result in a permanent addition to the appeal property, the harmful effects of which would endure beyond the needs of the current occupiers of the property.
13. I have also taken into account that the Council's SPD indicates that where development would be in conflict with design guidance an exception may be made where the development is required to meet the needs of a person with a physical, sensory and/or cognitive impairment where there is no suitable alternative solution. However, I have not been provided with any evidence to confirm that the extension, as proposed, is the only means of meeting the needs of the family or that less harmful options have been considered.
14. As such, a refusal of planning permission would be a proportionate and necessary approach to the legitimate aim of protecting the property and the surrounding area from harm to its character and visual appearance. This is a well-established principle in planning for the public interest and, therefore, cannot be achieved by means that are less interfering of the human rights of the appellant or the other occupants of the appeal property. Therefore, whilst I acknowledge the personal circumstances of the appellant's family, this is not a matter that outweighs the significant and permanent harm I have identified. Therefore, this does not lead me away from my conclusion on the main issue in this case.
15. I note the letter of support from a local Ward Councillor, but this does not justify the harm I have found.

Conclusion

16. For the reasons I have set out and having regard to all matters that have been raised, the appeal is dismissed.

Jeff Tweddle

INSPECTOR