
Appeal Decision

Site visit made on 1 September 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/W4705/W/20/3253945

1 Cherry Grove, Ilkley LS29 9BS

- 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 Simon Hindmarsh against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/00072/FUL, dated 7 January 2020, was refused by notice dated 5 March 2020.
 - The development proposed is Creation of 1no. single storey dwelling within vacant garden area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Appellant has submitted additional plans as part of the appeal, comprising Sections (drawing no. 839/01/20) which appear to be illustrative and do not show any considerable changes to the original planning application as submitted to the Council. However, Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme. It is important that what I consider is essentially what was considered by the local planning authority and on what interested parties' views were sought. If I were to determine the appeal on the basis of including the additional plans it is possible that the interests of these parties could be prejudiced. Therefore, for the avoidance of doubt, I have determined the appeal scheme on the basis of the plans which were before the Council when it made its original decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of neighbouring occupiers, particularly nos. 129 and 131 Skipton Road having particular regard to matters of light and outlook;
 - the effect of the proposed development on the living conditions of its future occupiers having particular regard to matters of outlook and privacy; and
 - the effect of the proposed development on highway safety.

Reasons

Character and Appearance

4. The proposed development relates to the construction of a detached single storey dwelling within a rectangular plot adjacent to no. 1 Cherry Grove, a detached two storey dwelling. The site has a sloping gradient which falls towards the northern boundary which faces the rear elevations of a row of two storey terraced dwellings on Skipton Road. The surrounding area is predominately residential with many properties being detached two storey dwellings which are set within evenly spaced plots with front and rear gardens. The size of the plots and gardens together form part of an orderly and regular pattern of development which contributes positively to the area's suburban setting.
5. Given the height, scale and design of the proposal, and the gradient of the appeal site, it would not be fully visible from Cherry Grove as shown by the Massing Study/Model submitted by the appellant. Furthermore, given its location it would also not be visible from public vantage points on Skipton Road. However, even so, the proposal would be located very close to the shared boundary with no. 1 Cherry Grove with its footprint taking up a substantial portion of the plot. As a result, it would be a cramped form of development at odds with the area's established pattern thereby representing an incongruous addition to the street scene. Consequently, I consider that the proposal would have an adverse visual impact which would negatively affect the area's suburban setting.
6. I acknowledge that the proposal would be of an innovative design and that it would appear subservient to no. 1 Cherry Grove. However, as well as still being partially visible from Cherry Grove it would also be fully visible from the rear of the properties on Skipton Road where its constricted relationship with its plot and neighbouring properties would be more fully apparent.
7. I therefore conclude, on this main issue, that the proposed development would materially harm the character and appearance of the area in conflict with Policies DS1, DS3 and SC9 of the adopted Bradford Core Strategy (2017) (BCS) which aim to ensure that proposals respond to existing positive patterns of development which contribute to the character of an area, amongst other considerations.

Living Conditions of Neighbouring Occupiers

8. I have before me a sun shadow study which the Appellant has submitted showing that the proposal would cause no additional loss of sunlight to either the first floor rear windows or ground floor rear windows of nos. 129 and 131 Skipton Road at most times of the year either in the morning or afternoon. However, it does also show that at March equinox and September equinox the proposal would potentially cause an increased amount of overshadowing to the area which is occupied by the ground floor rear conservatory to no. 131 thereby having an adverse impact in this regard.
9. With regard to matters of outlook, given the proposal's scale and the gradient of the appeal site I consider that it would not lead to a loss of outlook from the first-floor rear windows of nos. 129 or 131 Skipton Road. I also acknowledge that there would be gap of approximately 10 metres between the proposal and the properties on Skipton Road and that they have an angled orientation in relation to each other. However, given the gradient of the appeal site, I consider that the proposed dwelling, and fence, which would be approximately 1.8 metres high, and the proposed new trees would in combination lead to a significant loss of outlook from the ground floor rear windows of nos. 129 and 131, and the latter property's rear conservatory.

10. Moreover, for similar reasons I consider that it would also create an increased and unacceptable sense of enclosure for the occupiers of these properties when using these ground floor rooms and their respective outside rear patio areas.
11. Consequently, I conclude on this main issue, that the proposed development would materially harm the living conditions of neighbouring occupiers having particular regard to matters of light and outlook. It would therefore conflict with Policy DS5 of the BCS which aims to ensure that proposals do not harm the amenity of existing or prospective residents.

Living Conditions of Future Occupiers

12. Due to the retention of the existing mature landscaping on the north western site boundary, the location of the proposed private patio/amenity space area towards the western end of the appeal site, and the orientation of the properties on Skipton Road in relation to it, there would not be any direct overlooking of the amenity space from their first floor rear windows. However, the same could not be said for the proposed garden/grassed area to the north of the proposed dwelling that could potentially also be used as an amenity area. As a result, I consider that the proposal would potentially cause harm to the living conditions of its future occupiers in this regard.
13. Given the large windows on the proposed western elevation there would be no loss of outlook from the proposed kitchen/living area and similarly given the large window on the proposed eastern elevation there would be no loss of outlook from the bedroom it would serve. However, due to the lack of larger windows on the proposed northern elevation, I consider that the outlook from the other two proposed bedrooms would be severely limited.
14. I acknowledge that the proposal's design would incorporate a strip of glazing high on its northern and southern elevations. However, given the high location of this glazing and the proposed internal layout of the dwelling (in particular the locations of dividing walls), I consider that this would not be sufficient to overcome the harm I have identified, even though its overall design would exceed national space standards and meet building for life specifications.
15. Consequently, on this main issue, I conclude that the proposal would materially harm the living conditions of its future occupiers having particular regard to matters of privacy and outlook. It would therefore conflict with Policy DS5 of the BCS which aims to ensure that proposals do not harm the amenity of existing or prospective residents.

Highway Safety

16. The proposal would provide vehicular access to the appeal site via the existing turning head at the cul-de-sac on Cherry Grove and provide parking spaces for two cars. While I acknowledge that this proposed access and parking arrangement would potentially be tight and awkward to use, given the probable low levels of traffic in the cul-de-sac I consider it unlikely that it would impede the free movement of vehicles in the area. Indeed, while on my site visit, I only observed one vehicle exiting Cherry Grove, and whilst this represents but a snapshot in time, I consider it unlikely that the proposal would have an adverse impact on highway safety, nonetheless. The Highway Authority have also not objected to the proposal, and from the evidence before me I see no reason to disagree.
17. I therefore conclude, on this main issue, that the proposal would not harm highway safety. As a result, it would accord with Policy DS5 of the BCS which aims to ensure that proposals do not harm the amenity of existing or prospective users.

Conclusion

18. While I have concluded that the proposal would not conflict with the development plan with regard to highway safety, this does not outweigh or overcome the material harm that I have identified above with regard to character and appearance and living conditions. Accordingly, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR