
Appeal Decision

Site visit made on 5 October 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 October 2020

Appeal Ref: APP/W4705/D/20/3257968

Woodcap, Glenway, Eldwick, Bingley, West Yorkshire BD16 3HF

- 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 Miss Helen Terry against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/00696/HOU, dated 17 February 2020, was refused by notice dated 11 June 2020.
 - The development proposed is 2 No dormers to rear.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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

3. The main issue is the effect of the proposal on the character and appearance of Woodcap and the surrounding area.

Reasons

4. Woodcap is a detached dwelling, situated off Otley Road, and accessed via Glen Way, which serves a small number of dwellings. It has pitched roofed dormers to the front elevation and rooflights on the rear and has a rendered finish.
5. Guidance in the City of Bradford Householder Supplementary Planning Document (SPD) seeks to avoid dormer windows appearing over dominant and states that box dormers should be a maximum of 3 metres wide. The appeal proposal would see two box dormers constructed on the rear of the dwelling, one measuring approximately 5.5 metres wide and the other 4 metres, both of which would conflict with the guidance.
6. Whilst it is clear that dormers form part of the character of the existing dwelling, the proposed dormers would cover much of the width of the roof slope and thereby appear excessive in terms of their scale. Moreover, their horizontal box-like form would not reflect that of the existing dormers and would create an unsympathetic and incongruous addition to the dwelling.

7. Whilst it is accepted that there would be limited external views of the proposal due to its position in the street scene, landscaping and orientation, nevertheless the roof of the building, and therefore the dormers, would be glimpsed from public vantage points. As such, it would appear as a discordant feature and consequently there would also be some limited harm to the character and appearance of the area.
8. I conclude therefore that the proposal would harm the character and appearance of the host property, Woodcap, and the area. It would therefore fail to comply with policies DS1 and DS3 of the City of Bradford Core Strategy (2017) which together, amongst other things, seek to ensure that development contributes to achieving good design and is appropriate in its context. It would also conflict with the guidance in the SPD and the design aims of the National Planning Policy Framework (the Framework).

Other Matters

9. The site lies outside but adjacent to the Eldwick Beck Conservation Area. The statutory duty set out in s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, does not extend to the setting of a conservation areas. Nevertheless, having regard to the approach in the Framework, taking into account the conservation area as a whole, and the scale of the development proposed, I am satisfied that the proposal would not harm the significance of the conservation area as a heritage asset.
10. The appellant has drawn my attention to changes to legislation¹ (the Order) since the submission of the appeal. Class AA of the amended Order relates to extensions of up to two additional storeys. Whilst such a development could be larger than that proposed I do not have any details of an alternative scheme to consider.
11. Furthermore, whilst amendments to the Order reflect policies of the Framework regarding opportunities to use airspace above existing residential and commercial premises for homes, the permitted development rights are subject to limitations and conditions. These include a requirement for a developer to apply for prior approval as to, amongst other matters, the external appearance of the dwellinghouse and the amenity of neighbouring premises including overlooking, privacy and loss of light. It also sets out a procedure for such applications and matters to take into account and have regard to when determining applications, which include the Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
12. Therefore, whilst this matter is clearly material to the case, and I have attached weight to it in reaching this recommendation, it has not been decisive for the reasons outlined.
13. I acknowledge the personal circumstances of the appellant and the desire to remain in the existing home. It appears from the plans that there is already a bedroom and other facilities on the ground floor. Accordingly, whilst this attracts limited weight in favour of the proposal it does not overcome the harm I have found to character and appearance of the area.

¹ The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 Part 1 of Schedule 2 Class AA – enlargement of a dwellinghouse by construction of additional storeys

Conclusion and Recommendation

14. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Susan Ashworth

INSPECTOR