



Appeal Decision

Site Visit made on 26 October 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2020

Appeal Ref: APP/W4705/W/20/3255641

Bolton Road, Bradford, West Yorkshire BD3 0NQ

- 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 Mrs Diane Lawrence against the decision of City of Bradford Metropolitan District Council.
 - The undated application, Ref 20/00221/FUL, was refused by notice dated 9 April 2020.
 - The development proposed is construction of 1no detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal, the appellant provided a more up-to-date site plan. As the plan does not change the appeal scheme, I do not consider that any party has been disadvantaged by its submission, and I have taken it into account in my decision.
3. The evidence indicates that the Council has previously granted planning permission for a dwelling at the site¹. However, there is no dispute between the parties that the planning permission has expired so I have determined the appeal on that basis.

Main Issue

4. The main issue is whether the development would provide acceptable living conditions for its future occupants, with particular regard to outlook.

Reasons

5. The commercial building immediately to the north has been built right up to and occupies most of the boundary with the appeal site. Whilst only the upper floor and roof of the building is visible from the appeal site, it nevertheless has an imposing presence on the boundary owing to its width, height and proximity. As a result, both the rear outlook and very small rear garden space of the proposed dwelling would be severely constrained. This relationship is likely to be very overbearing and oppressive for the occupants of the proposed dwelling in terms of outlook and use of the only area of private garden space. Landscaping would not overcome this harm due to the size and proximity of the commercial building and the limited space available.

¹ LPA Ref: 13/04125/FUL

6. Paragraph 127 of the National Planning Policy Framework (the Framework) requires, amongst other things, that developments will function well and create places which promote health and well-being, with a high standard of amenity for existing and future users. Similarly, Policies HO9 and DS5 of the Bradford Core Strategy 2017 (CS) require that development should be high quality and should not harm the amenity of existing or future users and residents. Thus, I give very little weight to the appellant's assertions that it would be for the future occupants to decide whether they would be prepared to accept sub-standard living conditions in the development.
7. The Council approved the commercial building after it had previously granted planning permission for a house on the site. Nevertheless, I must consider the appeal in light of the current circumstances which are now materially different, and for the reasons given above, render the site layout unacceptable.
8. For all these reasons, I conclude that the development would not provide acceptable living conditions for its future occupants, with particular regard to outlook. This is contrary to the Framework and CS Policies HO9 and DS5, as stated.

Other Matters

9. I note that the Council has not raised any concerns over design, parking and effect on neighbours. I have also had regard to the aims of the Framework in respect of making effective use of land, locating development in accessible locations close to shops and services, and adding to the supply and choice of housing in the area. However, the absence of harm in these respects and the very modest benefits of the proposal, do not outweigh the harm identified and the proposal's failure to comply with the policies of the adopted development plan and the Framework as a whole.

Conclusion

10. For the reasons given, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR