
Appeal Decision

Site visit made on 8 December 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2020

Appeal Ref: APP/W4705/D/20/3257852

23 Oswaldthorpe Avenue, Bradford BD3 7HB

- 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 Muhammad Junaid against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/02180/HOU, dated 9 June 2020, was refused by notice dated 5 August 2020.
 - The development proposed is construction of garage/garden store to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) the living conditions of 25 Oswaldthorpe Avenue (No 25).

Reasons

Character and appearance

3. Oswaldthorpe Avenue is an area characterised by similarly designed short blocks of terraced and semi-detached houses set back from the street frontage. The appeal property is an end of terraced house with a driveway to the side providing access to a detached garage located in the rear garden. The garden area abuts the rear gardens of properties facing Morley Avenue, Moorfield Avenue and the neighbouring properties on Oswaldthorpe Avenue. It is at a lower level than the road due to the slope of the site.
4. The proposed garage/store (garage) would replace the existing garage structure, although it would be set further back into the garden area. It would be a large structure designed with a pitched roof with eaves and ridge height that is markedly higher than the garage it replaces and higher than would generally be expected for a domestic garage.
5. As a result of the combined height, width and length of the garage it would be a dominant feature within the garden and would appear out of scale with its domestic surroundings. Consequently, it would be a prominent and discordant feature when viewed from the windows and rear gardens of the surrounding properties and would detract from the rear garden environment.

6. Although the garage would be visible from the road due to the change in the land levels and the extent of the set back from the road frontage the building would not be a significant feature in the street scene.
7. Nevertheless, overall, I conclude that the proposal would detract from the character and appearance of the area in conflict with Policies DS1 and DS3 of the Bradford District Core Strategy Development Plan Document July 2017 (Core Strategy). These policies, among other things, seek good design including by ensuring that development is appropriate in its context in terms of its scale. It would also conflict with the Bradford Householder Supplementary Planning Document (SPD) where it seeks to ensure that the size, position and form of outbuildings maintain or improve the character and quality of the wider area.

Living conditions

8. The outbuilding would be sited towards the back of the garden at an angle with the garden's side boundary. Due to the road configuration the adjacent property, No 25, has its side elevation facing towards the rear garden of the appeal site.
9. No 25 has a large side garden area which separates the kitchen window in its flank wall from the appeal site. Due to the space around No 25 and the siting of the building at an angle to the boundary I am satisfied that the scale and mass of the structure would not overshadow or have an overbearing impact on No 25.
10. Consequently, I conclude that the development would not detract from the living conditions of No 25 Oswaldthorpe Avenue and would accord with Policy DS5 of the Core Strategy where it seeks to ensure that the residential amenity of existing residents is protected. It would also accord with the SPD where it seeks to ensure that proposals do not cause harm to the privacy of neighbours.

Conclusion

11. While I am satisfied that the development would not detract from the living conditions of No 25 Oswaldthorpe Avenue, I conclude that the development would detract from the character and appearance of the area.
12. Therefore, for the reasons given, the appeal is dismissed.

Diane Cragg

INSPECTOR