



Appeal Decision

Site visit made on 21 December 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2021

Appeal Ref: APP/W4705/D/20/3261138

5 Fairfax Road, Bingley BD16 4DR

- 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 Kelly Blackburn against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/03323/HOU, dated 2 August 2020, was refused by notice dated 6 October 2020.
 - The development proposed is decking to front of property.
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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.

Preliminary Matters

3. I noted on my site visit that work had commenced. For the avoidance of doubt, I have assessed the appeal proposal and based my decision on the plans before me.

Main Issues

4. These are:
 - i. The effect of the proposed development upon the character and appearance of the surrounding area; and
 - ii. The effect of the proposal upon the living conditions of the occupiers of No. 7 Fairfax Road (No. 7), having regard to overlooking and noise and disturbance.

Reasons for the Recommendation

Character and appearance

5. No. 5 is a three-storey semi-detached property which sits higher than the highway. The character and appearance of dwellings varies within Fairfax Road. Nonetheless, dwellings are set back from the highway behind a driveway and front garden. Properties on the south eastern side of Fairfax Road, adjacent to

the appeal site, sit much higher than the highway and the front gardens consist of rockeries which gradually steps down to the highway. Elsewhere within Fairfax Road front gardens have a natural appearance which include grass and vegetation.

6. The Householder Supplementary Planning Document (SPD) sets out that small areas of decking to the front of a house will normally be acceptable if it does not dominate or form the front boundary of a property. It goes on to state that the addition of large prominent structures to the front of a house will normally appear alien and at odds with the character of the streetscene.
7. Decking to the front of dwellings is not evident elsewhere within the surrounding area and the front gardens appear relatively natural with no built structures. At the time of my visit the base of the decking had been constructed and the underside was enclosed with overlapping timber boarding. Fence posts were in place above the base but the fencing shown on the proposed plans had yet to be constructed. The base of the decking is particularly prominent and appears as a stark addition. As a result of its height and materials used it contrasts awkwardly with the profile of the front gardens adjacent to the appeal site which step down in a more gradual manner to respond to the original topography and contain planting to soften the hard landscaping.
8. The proposed plans indicate that the current fence posts above the decking would be infilled to enclose the space. The application form and plans do not specify the materials that would be used but a glazed screen would appear to be proposed, as indicated in the delegated report. Although the transparency offered by glazing would help to minimize the visual impact of the means of enclosure, it would not off-set the harm caused by the decking and associated timber framework which would stand out as a dominant and incongruous feature because of its scale and elevated position in a prominent location to the front of the dwelling. The proposal would appear at odds with the surrounding front gardens which have a more verdant appearance, with planting set amongst the hard landscaping. Accordingly, the scheme would compromise the character and appearance of the area as it would introduce an out of keeping form of development which would be conspicuous from the highway.
9. For these reasons, the proposed development would be visually harmful to the character and appearance of the surrounding area. Consequently, the scheme would conflict with Policies DS1 and DS3 of the Local Plan for the Bradford District: Core Strategy Development Plan Document (2017) (DPD) and the SPD which collectively seek, amongst other matters, to promote good design which responds to the character of the area.

Living conditions

10. The decking is situated adjacent to the front garden of No. 7, the adjoining property. Although the decking is not directly next to No. 7's front windows it is in close proximity. Decking is often used as an area to sit and creates a formal amenity area where people can gather. On my site visit I observed that there was a table situated on the decking which again demonstrates that it is an area where people would sit.
11. Usually decking is located to the rear of properties where the existing boundary treatment can help to avoid overlooking issues. The drawings show posts with

what appears to be glazed screening in-between. Thus, it appears from the evidence before me that there would be no solid screening to prevent users of the decking looking into particularly the main living room windows of No. 7.

12. I recognise that the decking is set down such that those using it would be looking upwards into the neighbouring living room window. The angle of view would also be dependent upon whether someone was seated or standing on the decking. However, for those sat in the living room close to the window, the feeling of being overlooked would be acute, given the close proximity of the decking. The ability to sit and enjoy the view to the front would be significantly impaired due to the presence of those using the decking in such close proximity and the resulting mutual overlooking that would occur. Consequently, the decking will lead to a significant degree of overlooking of particularly the first-floor front windows of No. 7 and the scheme would result in a material loss of privacy for the occupiers of No. 7.
13. The decking would also overlook the front amenity space of No. 7. However, as this is a rockery area and not the main private amenity space of the dwelling, it is unlikely that occupiers of No. 7 would spend a considerable length of time within this area. In addition, the front garden is open and overlooked by windows of neighbouring properties and visible from the highway. Thus, I do not consider that the decking would have an unacceptable effect upon the amenity space of No. 7.
14. Although the decking would be situated in close proximity to No. 7 and is likely to increase noise to the front of the property, I am not convinced that issues relating to noise and disturbance would have an unacceptable effect upon the occupiers of No. 7. The appeal site is located within a residential area where a certain degree of noise would be expected. There is nothing to indicate that noise and disturbance generated from the occupiers of No. 5 using the decking would be any greater than would normally be expected in a residential environment.
15. For those reasons, although the proposed development would not result in significant noise and disturbance, it would result in the living conditions of the occupiers of No. 7 being significantly adversely affected by a loss of privacy and overlooking. Consequently, the proposal would conflict with Policies DS3 and DS5 of the DPD as well as the SPD which collectively seek, amongst other matters, to ensure new development does not harm the amenity of existing occupiers.

Other Considerations

16. The appellant highlights that residents within the street are happy with the decking and the occupiers of No. 7 were originally happy with the scheme. They also raise issues relating to a local Councillor and cost implications. However, these matters do not outweigh the harm identified.

Conclusion and Recommendation

17. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR