



Appeal Decision

Site visit made on 8 June 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2021

Appeal Ref: APP/W4705/D/21/3274512

56 Chapel Street, Wibsey, Bradford BD6 1LN

- 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 Kelly Barnsley against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/00133/HOU, dated 11 January 2021, was refused by notice dated 31 March 2021.
 - The development is fencing around garden to replace wall destroyed by a delivery vehicle.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It is clear that the Council determined the application as a retrospective application. I saw during my visit to the site that the fence in question had been erected and I am satisfied that it has been erected in the manner shown on the submitted plans. I have determined the appeal accordingly.

Main Issues

3. The main issues are the effects of the fence on the character and appearance of the appeal property and the surrounding area and whether or not it would preserve the setting of the grade II listed 48 - 56 (even) Chapel Street.

Reasons

4. The appeal property is an end-of-terrace cottage of stone under stone-slate roof construction. The short terrace of properties are collectively grade II listed¹ buildings. Although it is agreed that the removed wall was of no heritage significance, the appeal property and its adjoining neighbours are nevertheless of some age. A lintel above the front door of the appeal property is dated 1753 and I am advised that the buildings (which includes the appeal property) were extended and altered in the 18th and 19 centuries. The property is described by the Council as one of the older structures in Wibsey and indicates historic agricultural activities and the age of the settlement.
5. The short terrace is constrained by roads and paths on all sides. To the north, small enclosed yards are curtailed by a walkway between the rear of the terrace and the adjacent property on Acre Lane. To the front, larger yards lead towards the cobbled Chapel Street. Although the terrace is tucked away

¹ As Nos. 48 to 56

behind frontage buildings around the square on High Street, the appeal property and the fence in question are nevertheless reasonably prominent, visible from High Street through a gap in the buildings along Acre Lane.

6. The timber fence runs along the long side and narrower frontage perimeter of the appeal property's larger yard. Although the fence's vertical timber panels have small gaps between them, the fence is double-faced, meaning that it forms a visual barrier. As such, it curtails views along the terrace's frontage, limiting views and the legibility of features of interest such as the dated lintel above No. 56's front door and other doorway features present along the terrace. I accept that the fence does not wholly obscure views of these features. I saw, too, that there are also a range of means of enclosure of these front yards along the terrace. However, none are as restrictive in terms of their impact upon views of individual properties as the appeal scheme is to No. 56, or as it is to the terrace as a whole.
7. The fence itself directly abuts Chapel Street and a narrow, raised kerb along Acre Lane and, whilst the surrounding area is typified by buildings directly abutting pavements and carriageways creating a tight urban grain, the fence stands out as an uncharacteristic feature. Fences, walls and railings are by no means uncommon amongst adjacent properties. All of the yard areas of properties in this short, terraced block feature divisions of some sort between adjacent properties, and also to Chapel Street. They are, however, generally lower and more modest structures than the appeal scheme and, as a consequence, less obtrusively strident relative to the terraced block and the surrounding streetscene. Moreover, the end of terrace corner location of the appeal site however renders the fence a starkly incongruous visual intrusion in a prominent corner location, which is compounded by open views of the fence between buildings from the south from High Street.
8. Bradford Core Strategy (BCS) policy DS1 seeks to ensure that development proposals contribute to achieving good design and high-quality places through, amongst other things, a good understanding of a site and its context. BCS policy DS3 states that proposals should also be appropriate to their context in terms of layout, scale, details and materials. It goes on to state that proposals should also respond to existing patterns of development which contribute to local character and to create attractive streetscapes. For reasons I have set out above, the appeal scheme would fail to do so and, as such would be contrary to BCS policies DS1 and DS3.
9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. The terrace of properties comprising Nos. 48 to 56 (even), which includes the appeal property, is grade II listed.
10. The fence presents a substantial visual impediment to the legibility and visibility of the terrace and notable features within it, in a starkly incongruous manner. The fence is also a substantial physical obstruction and division in a prominent position at the front of the terrace and, for these reasons, fails to preserve the setting of the listed building. The failure to preserve the setting of the listed building, to which I am required to have special regard to

preserving, amounts to harm, albeit less than substantial in the parlance of the Framework.

11. The Framework requires that this harm is balanced against the public benefits of the proposal. I have noted that the fence replaces a low masonry wall which was knocked down by a delivery vehicle. Given the fence's greater height, it is perhaps a more visible structure for motorists and may, therefore, be less prone to unintentional collisions, which could be assessed to be a public benefit, albeit only marginally so.
12. I can understand the appellant's stated reason for replacing the low masonry wall with a taller means of enclosure, and the desire to provide enhanced security and privacy to the property and for the appellant's family. However, these are private rather than public benefits and neither they, nor the very limited public benefit outweigh the harm to the setting of the listed building that I have identified above. Nor has it been demonstrated that alternative means of providing enhanced security and privacy, which might result in less harm to the setting of the listed building, have been considered. As such, the proposal is also contrary to BCS policy EN3 which amongst other things seeks to protect and enhance the character, appearance and significance of the District's designated heritage assets and their settings, and contrary to the Framework's principles in respect of the historic environment and heritage assets.

Conclusion

13. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR