



Appeal Decision

Site Visit made on 17 August 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2021

Appeal Ref: APP/W4705/W/21/3272688

20 Queen Street, Greengates, Bradford BD10 0QU

- 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 Cleo Howell against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/00125/FUL, dated 11 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is the construction of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. Whilst some content has been added and the paragraph numbers changed, the substance of the Framework in regard to the main issues of the case has not. I have taken the revised Framework into account, and I am satisfied that this has not prejudiced either party.

Main Issues

3. The main issues are as follows:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of occupiers of 20 Queen Street with regard to privacy, outlook and light and 9 Haigh Hall with regard to privacy; and
 - whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to the size of the dwelling and privacy.

Reasons

Character and appearance

4. Queen Street is a row of stone built terraced dwellings located within a mainly residential area. The dwellings on Queen Street have small front gardens, small adjacent back yards and are separated from their rear gardens by a relatively narrow road. Several of the rear gardens have single storey garages. Twenty

Queen Street is the end dwelling in the row and the appeal site is the rear garden of this dwelling.

5. The properties on Queen Street and on the streets to the south, which are also stone built two storey terraced dwellings, have a cohesive and homogenous appearance and this contributes positively to the character and appearance of the area. To the east is a row of mainly two storey brick built semi-detached dwellings with hipped roofs. To the north is a two storey detached dwelling with a large rear garden that backs onto allotments.
6. The materials proposed would be in keeping with the surrounding properties. However, the large, splayed edge of the western elevation would significantly depart from the character and appearance of the nearby built form and would emphasise the visual prominence of the proposed dwelling. Given its unsympathetic design, the proposed dwelling would appear visually incongruous within the street scene and would cause significant harm to the character and appearance of the area.
7. The appellant highlights the Council's conservation officer consultation response that did not raise concerns about the proposed development. This response had a particular focus on the effect of the proposed development on heritage assets. Whilst I note that no concerns have been raised about the effects of the proposed development on the historic environment, this does not mean that I should not fully assess the appeal scheme in the interest of the character and appearance of the area, and it does not alter my conclusion on the harm caused.
8. For the reasons given, the proposed development would conflict with Policies DS1 and DS3 of the CS¹ which require proposals to contribute to good design, be appropriate to their context and respond to existing positive patterns of development which contribute to the character of the area amongst other matters.

Living Conditions of Neighbouring Residents

9. Due to the siting of the proposed dwelling to the north of 20 Queen Street, the path of the sun's movement would be such that it would not result in direct overshadowing of this property. As such, it would not cause unacceptable harm to the living conditions of occupiers of number 20 due to loss of sunlight.
10. The SPD² advises that there should be 21m between habitable room windows and 10.5m from a habitable room window to a curtilage boundary to prevent loss of privacy and maintain an adequate outlook. The proposed dwelling would be much closer to the rear habitable room windows of 20 Queen Street and its boundary curtilage. At two storeys high and given the lack of separation distance the proposed development would create a dominant feature that would have an overbearing effect on the outlook from the rear habitable room windows of number 20.
11. The front windows of the proposed dwelling would be almost directly opposite the rear windows of number 20 which, at first floor level, would lead to unobstructed two-way views. The affected window of the proposed dwelling at

¹ Local Plan for the Bradford District Core Strategy Development Plan Document, adopted 2017

² Homes and Neighbourhoods: A Guide to Designing in Bradford, adopted as a Supplementary Planning Document in 2020

first floor level would be a bedroom window. Although no details have been presented on the internal layout of number 20 my observations are that at least one of the windows at first floor level is likely to serve a habitable room. The degree of overlooking resulting from both the separation distance and the almost direct aspect of the windows, in particular at first floor level, would lead to an unacceptable loss of privacy for occupiers of number 20.

12. The appellant has suggested that a condition restricting the proposed dwelling to one bedroom, with the main window facing north could overcome these concerns. However, I have no detailed drawings to demonstrate whether this would sufficiently overcome my concerns. Furthermore, the appellant's statement suggests that in this scenario, the one bedroom would retain a window in its southern elevation. The concerns about the effect on outlook and loss of privacy for occupiers of number 20 would therefore not be addressed.
13. Refusal reason number two on the Council's decision notice could be interpreted as raising concerns about the loss of privacy to habitable room windows of 9 Haigh Hall. However, the Council's Officer report makes it clear that the Council is not concerned about a loss of privacy to habitable room windows, for reasons that I concur with. The Officer report is clear that the concern is about the loss of privacy to the private amenity space of this property.
14. The orientation of the proposed dwelling towards the rear garden of 9 Haigh Hall would allow future occupiers to overlook directly and from a relatively close distance all of this neighbouring garden from the proposed rear first floor window. Occupiers of 9 Haigh Hall would therefore be overlooked when in the garden, given the proximity, height and orientation of the proposed rear first floor window. This would be significantly detrimental to the enjoyment of this area by occupiers of this property.
15. Consequently, whilst the proposed development would not have an unacceptable effect on the living conditions of occupiers of 20 Queen Street due to loss of sunlight, it would significantly harm the living conditions of occupiers of this property with regard to outlook and loss of privacy. The proposed development would also result in significant harm to the living conditions of occupiers of 9 Haigh Hall due to the loss of privacy of the rear garden. As such, it would be contrary to Policy DS5 of the CS, which requires development proposals to avoid harming residential amenity amongst other matters. It would also conflict with the advice in the SPD relating to separation distances which seek to protect residential amenity.

Living Conditions for Future Occupiers

16. The SPD states that the Council will use the Nationally Described Space Standards (NDSS) to assess the suitability of internal space proposed in new homes. The Council has assessed the space requirements on the basis of the proposed development being a two bedroom, three person dwelling. The NDSS states that the minimum gross internal floor area for a three person two bedroom two storey dwelling should be 70 square metres (m²). On this basis, in providing a dwelling size of approximately 56m², the proposed development would not meet the requirements of the NDSS. This is a sizeable shortfall relative to the size of the proposed dwelling.

17. Given the internal floor space provision, the proposed development would represent an oppressively confined form of residential accommodation. It would therefore fail to provide acceptable living conditions for future occupiers with regard to internal space.
18. The appellant states that she would be willing to accept a condition to restrict the dwelling to a single double bedroom. This would still result in a dwelling below the standards in the NDSS of 58m², albeit only a moderate shortfall. However, conditioning the number of bedrooms would be difficult to enforce. I have therefore based my decision on the plans on which the Council made its decision and that are before me.
19. In addition, for the same reasons as stated above, the proposed development would not provide an acceptable level of privacy for future occupiers of the proposed dwelling.
20. Consequently, the proposed development would conflict with Policies HO9 and DS5 of the CS which require new homes to provide suitable space standards and not harm the amenity of prospective residents amongst other matters. It would also conflict with the guidance in the SPD which advises that, where any home falls below the standards set out in the NDSS, a justification should be provided as to why they cannot be met. No such justification has been provided.

Other Matters

21. I acknowledge that the appeal site is within a mainly residential area and is located within reasonable walking distance of a number of shops and public transport services. I also acknowledge that heritage assets would not be affected, and the site is not within the Green Belt. However, none of these matters alters or outweighs the harm that I have identified.

Conclusion

22. For the reasons given above, the proposed development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR