



Appeal Decision

Site visit made on 22 September 2021

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/W4705/C/20/3265788

41 Gibson Street, Bradford BD3 9TB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Shah Faisal against an enforcement notice issued by City of Bradford Metropolitan District Council.
- The enforcement notice was issued on 26 November 2020.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a front dormer window on the south facing (front) roof plane of the building on the land.
- The requirements of the notice are:
 - 1) Demolish the dormer window and reinstate the south facing (front) roof plane of the building to its former appearance; or
 - 2) Construct a dormer window on the south facing (front) roof plane of the building in accordance with planning permission reference 18/03483/HOU and approved drawing numbers BC(0)4 and BC(0)6.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the 1990 Act as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matters

1. Planning permission was granted on 5 October 2018 for a single storey extension and a loft conversion with front and rear dormers¹. The front dormer has not been built in accordance with the approved plans and is the subject of the enforcement notice. The dormer extension is slightly larger than the approved development and its front elevation is faced in white upvc cladding, as opposed to being fully glazed. A subsequent application to replace the cladding with vertical hung tiles was refused on 10 December 2019².

The ground (a) appeal and the deemed planning application

Main Issue

2. The ground (a) appeal is that planning permission should be granted for the matters alleged in the notice. The terms of the deemed planning application are derived from the allegation. Hence, planning permission is sought for the construction of a front dormer window on the south facing (front) roof plane. The main issue is the effect of the development on the character and appearance of the area.

¹ Ref 18/03483/HOU.

² Ref 19/04306/HOU.

Reasons

3. The appeal property is a two-storey, semi-detached house located in an area characterised by residential and commercial development. The dormer extension, as constructed, is only marginally larger than the approved development and the impact of the size increase is limited. The scale and form of the dormer extension is consistent with the host dwelling and is appropriate in its context.
4. The main difference results from the use of the white cladding on the front of the extension, which makes it stand out against the grey slate roof. I note that the Council, through its Householder Supplementary Planning Document, seeks to avoid the use of upvc in such circumstances. However, the large central window alleviates the impact of the cladding to a certain extent. In addition, the white upvc reflects the window frames on the front of the host dwelling and others in the immediate vicinity and, therefore, it is not wholly inappropriate in this particular instance.
5. Overall, I consider that the differences between the approved scheme and that as built are minor. Although the use of upvc cladding contrasts with the original roofing materials, the design and scale of the extension is such that the impact is limited. Moreover, the use of white upvc is not uncommon in the area as explained above.

Conclusion

6. I find that the development does not have a material adverse impact on the character and appearance of the area. Thus, it accords with Policies DS1 and DS3 of the Core Strategy Development Plan Document (July 2017), and the Council's adopted Householder Supplementary Planning Document, which seek to ensure development is of a high quality, while also respecting the area's character. The development meets the aims of the National Planning Policy Framework insofar as it seeks to promote good design.

Conclusion

7. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeals on grounds (f) and (g) do not, therefore, fall to be considered.

Formal Decision

8. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a front dormer window on the south facing (front) roof plane of the building on the land at 41 Gibson Street, Bradford BD3 9TB as shown on the plan attached to the notice.

Debbie Moore

Inspector