



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: 11 October 2021

Appeal Ref: APP/W4705/C/20/3265575

58 Moore Avenue, Bradford BD6 3HU

- 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 Mrs Naseem Najeem against an enforcement notice issued by City of Bradford Metropolitan District Council.
- The enforcement notice was issued on 19 November 2020.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a porch to the front of the building.
- The requirements of the notice are:
 - i. Demolish the porch;
 - ii. Remove all arising materials from the land;
 - iii. Make good any damage caused to the property as a result of compliance with the requirements of this Notice.
- The period for compliance with the requirements is one month.
- 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 succeeds in part and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

Preliminary Matter

1. Planning permission was granted for “a double storey side / rear extension, dormer window to the front and rear, and a porch to the principal elevation” on 23 March 2020¹. The decision letter noted that the proposal was described as retrospective, however, the Inspector stated that the front dormer and porch, as constructed on site, were materially larger than shown on the submitted drawings. The Council subsequently served an enforcement notice, which is directed at the porch only and is the subject of this appeal.
2. The terms of the deemed planning application are derived from the allegation. Hence, planning permission is sought for the erection of the porch, as constructed, to the front of the building.

The ground (a) appeal

Main Issue

3. The appeal property is a two-storey semi-detached house, located within a residential area. The house has been previously extended, as set out above.
4. The main issue is the effect of the development on the character and appearance of the host building.

¹ APP/W4705/D/19/3239853.

Reasons

5. The front porch is larger and it has been built to a different design than that approved. Although the width and projection are not significantly greater than shown on the approved plans, the size increase is sufficient to adversely affect the scale of the porch in comparison with the house. Moreover, the porch does not relate well to the front bay window, due to its juxtaposition. The elaborate columns either side jar with the considered design of the other extensions. The porch appears to compete with the design features of the house rather than complement them. I consider the porch to be a dominant structure that unbalances the appearance of the host property. Its overall impact is harmful.

Conclusion

6. I find that the development has an adverse effect on the character and appearance of the host building. It fails to accord with the development plan, in particular, Policies DS1 and DS3 of the Bradford Core Strategy Development Plan Document (2017), which seek to secure good design and high quality places. It does not meet the aims of the National Planning Policy Framework insofar as it seeks to promote good design.
7. The ground (a) appeal fails, therefore. I shall uphold the enforcement notice, with variations as below, and refuse to grant planning permission on the deemed application.

The ground (f) appeal

8. The ground (f) appeal is that the steps required by the notice exceed what is necessary to remedy the breach of planning control. The Council accepts that there is an extant permission in place and, therefore, an appropriate lesser step would be to bring the porch in line with approved scheme. I agree that making the development comply with the terms of the planning permission, Ref APP/W4705/D/19/3239853, would remedy the breach of planning control and, thus, achieve the statutory purpose behind the notice.
9. The ground (f) appeal succeeds, therefore. I shall vary the notice accordingly.

The ground (g) appeal

10. The ground (g) appeal is that the period for compliance falls short of what should reasonably be allowed.
11. The alteration of the porch is a relatively simple building operation. However, due to the COVID-19 pandemic, there may well be a shortage of suitably qualified tradespeople and / or materials. I consider the compliance period should be extended. Six months is reasonable and proportionate in the circumstances.
12. The ground (g) appeal succeeds, therefore. I shall vary the notice accordingly.

Conclusion

13. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice, prior to upholding it. The appeals on grounds (f) and (g) succeed to that extent.

Formal Decision

14. It is directed that the enforcement notice is varied by:

- (1) The deletion of all the requirements in paragraph 5 of the notice and the substitution of the following requirement - alter the porch to the front of the building in order that it accords with planning permission Ref APP/W4705/D/19/3239853, dated 23 March 2020, and all its terms and conditions.
- (2) The deletion of one month and the substitution of six months as the period for compliance in paragraph 6 of the notice.

Subject to these variations the enforcement notice is upheld.

Debbie Moore

Inspector