



Appeal Decision

Site Visit made on 10 August 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/W4705/W/21/3274520

17 Fulford Walk, Bradford, West Yorkshire BD2 3QA

- 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 Mr Hameed Saeed against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/05242/FUL, dated 13 December 2020, was refused by notice dated 24 February 2021.
 - The development proposed is described as: "1. Change of use as garden. 2. Building a wall which exceeds 1.0 metre up to 2.0 metre"
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Decision

1. The appeal is allowed and planning permission is granted for the change of use as garden and building a wall which exceeds 1.0 metre up to 2.0 metre at 17 Fulford Walk, Bradford, West Yorkshire BD2 3QA in accordance with the terms of the application, Ref 20/05242/FUL, dated 13 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:500 location plan dated Wednesday, October 30, 2019; un-numbered, undated site plan annotated '17 Fulford Walk, Bradford BD2 3QA; un-numbered, undated site layout drawing including written dimensions and the annotations 'Grass', 'Stone Flags' and '45cm Step Up'; un-numbered, undated elevations drawing including elevations entitled 'Back Wall (Blocks), Front (New) Wall (Stone Bricks); and 'Side Wall (Stone Bricks)'. - 3) The garden hereby approved shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Fulford Walk, Bradford, West Yorkshire BD2 3QA.

Preliminary Matters

2. The description in the banner heading, and in my decision, is taken from the application form. On the basis of the submissions before me, I understand the proposed garden use to be in association with the residential property at 17 Fulford Walk. I have considered the appeal on that basis. For the avoidance of doubt, notwithstanding the heights referred to in the description above, my decision is based on the details and dimensions of the proposed boundary treatment as shown on the submitted drawings.

3. At the time of my visit, works to construct a boundary wall were underway at the site. However, notwithstanding the works which have taken place, I have considered the appeal on the basis of the proposal shown on the submitted drawings. For the avoidance of doubt, my decision relates only to the land within the red line boundary on the submitted location plan and the boundary treatments that are proposed within the land defined by that red line boundary.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have based my decision on the revised Framework and have given the main parties the opportunity to comment on this.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

6. The appeal relates to an area of land to the side of 17 Fulford Walk, a semi-detached house at the junction of Fulford Walk and Foston Lane. It is proposed to change the use of the land within the site to garden, to be used in association with the house at 17 Fulford Walk, and to construct a boundary wall, which would include piers with timber fence panels between them.
7. The site is in a residential area, surrounded by other houses and gardens. The use of the site as a garden would be consistent with other surrounding uses and is acceptable in that context. I therefore find the proposed use of this area as part of the garden of 17 Fulford Walk to be acceptable.
8. Houses on Fulford Road, beyond the site, face the road frontage and are set back behind front gardens. As almost all of those front gardens have some form of boundary treatment along their front boundaries, there is already a sense of enclosure to those front gardens and to the road frontage. There is some variety in the height and appearance of those existing boundary treatments and, although some take the form of hedges, railings and open boarded fences, others are more solid, including walls.
9. In the wider context, front gardens are predominantly enclosed by walls, fences or railings which adjoin wide pavements or areas of open space. The Council has indicated that some of those surrounding front boundary treatments do not appear to have the benefit of planning permission. Nevertheless, even disregarding those referred to by the Council in that regard, there is a degree of variety in the height and appearance of boundary treatments visible along those road frontages in the wider context of the site.
10. The proposed wall and fence would be taller than other frontage boundaries on Fulford Walk and nearby. However, it would not introduce an uncharacteristic sense of enclosure to the street scene in the context of existing gardens which adjoin road frontages in the vicinity of the site, which are predominantly enclosed by some form of boundary treatment, rather than being open plan in character.
11. Furthermore, the proposed boundary treatment would enclose a large, extended side garden of the house at 17 Fulford Walk and not a front garden. The area enclosed would be a much deeper area of garden than the front gardens of other properties on Fulford Walk and nearby, and the boundary

treatment would curve around the site frontage as it sweeps around the wide junction with Foston Lane. Beyond the proposed boundary treatment, the view would be to the side elevation of 17 Fulford Walk, which is set back further from the road than the properties which front Fulford Walk. As such, the proposed boundary treatment would have a specific, distinct location in the street scene and would be seen in a different, wider context than the Fulford Walk frontage properties.

12. Although the proposed wall and fence would be taller than other frontage boundary treatments on Fulford Walk and nearby, its design, with stone piers and slightly lower fence panels between them, would break up its massing into a series of individual sections rather than a single continuous expanse. The curving nature of the site frontage would limit the range of vantage points from which the full extent of the boundary treatment would be visible, further mitigating its visual impact, including in views along Fulford Road.
13. Because of the wide gap between the side of the house at 17 Fulford Walk and the proposed wall and fence, together with the wide pavement and verge alongside the road carriageway itself, the proposed wall and fence would not harm the open, spacious character or appearance of the road frontage or the wide, sweeping junction adjacent to the site.
14. The proposed wall and fence would also be seen and interpreted in a different context to adjacent front garden enclosures as it would enclose the more private garden areas at the side and rear of the house, where taller boundary treatments would generally be expected as a means of protecting occupants' privacy. Read in that context, the presence of a taller boundary treatment along the site boundary with the road frontage would not appear incongruous or unduly tall or dominant.
15. The Householder Supplementary Planning Document (the Householder SPD) advises that, 'in the interests of crime prevention, frontage boundary treatments should not normally obstruct views of a house from the street as this will prevent natural surveillance and provide opportunities for criminals'. However, the boundary treatment proposed in this case would enclose a side and rear garden. It would not extend in front of the house at 17 Fulford Walk or obstruct intervisibility between its main habitable rooms and the adjoining road. Consequently, and as the taller boundary treatment would provide a degree of privacy and security to the private side and rear garden area of 17 Fulford Walk, overall, I am satisfied that it would not conflict with the aims of the Householder SPD in that regard.
16. Given the variety of materials evident in the houses and existing boundary treatments in the vicinity of the site, the materials proposed would be appropriate and would not detract from the appearance of their surroundings.
17. Drawing those threads together, I conclude that the proposed wall and fence would not appear discordant or unduly dominant in their wider context. Nor would they create an unacceptable or unpleasant sense of enclosure to the street scene. They would therefore achieve good design, appropriate to their context.
18. Therefore, I conclude that the proposed development would not have an adverse effect on the character or appearance of the appeal site or its surroundings. Consequently, it would not conflict with Policies DS1 and DS3 of

the Local Plan for the Bradford District: Core Strategy Development Plan Document, which state that development proposals should achieve good design and high quality places and be appropriate to their context, or with the relevant further advice in the Householder SPD.

Conditions

19. Although parts of a boundary wall were present around the site at the time of my visit, I cannot be certain that the specific works and use for which permission is sought have commenced. Therefore, I have imposed the standard 3 year commencement condition in this case. I have also attached a condition specifying the approved plans, for certainty.
20. The Council has suggested a further condition stating that the land within the site shall only be used in connection with, and ancillary to, the dwelling at 17 Fulford Walk, and not for any commercial or business activities or use. I agree that a condition restricting the use of the garden to purposes ancillary to the residential use of the house at 17 Fulford Walk is necessary, for clarity, as the application was made on that basis, and I have only considered the effects of the proposed use in that context. I therefore attach a condition to that effect. However, as any further material change of use of the land would require planning permission in its own right, it is not necessary for the condition to go so far as preventing any other specified uses, as has been suggested.

Conclusion

21. For the reasons given, the proposal would accord with the development plan taken as a whole. Material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be allowed.

Jillian Rann
INSPECTOR