
Appeal Decision

Site visit made on 8 November 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2021

Appeal Ref: APP/W4705/C/21/3279177

Land at 356 Great Horton Road, Bradford BD7 1QJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Rahat Javid against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The enforcement notice was issued on 1 July 2021.
 - The breach of planning control as alleged in the notice is the installation of an extractor flue above the single storey extension to the building on the land as shown in the attached photograph.
 - The requirements of the notice are to remove the unauthorised extractor flue and all means of fixing from the single storey rear extension to the building on the land.
 - The period for compliance with the requirements is two calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

2. The appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the enforcement notice and the main issue is the effect of the extractor flue on the character and appearance of the area.
3. The appeal site is a mid-terraced stone built property in use as a take-away. The breach of planning control relates to the erection of an extractor flue which extends upwards from the single storey rear extension towards main roof height. The rear of the terrace faces a back street where there is another terrace of properties off St Margaret's terrace which are in residential use.
4. While both of the aforementioned terrace of buildings have been adapted overtime, including the inclusion of roof dormers and, for the commercial properties, some air conditioning units and roof extractor flues, these additions are generally subservient in scale to the host properties and, in the main, the first floor elevations have a simplicity and consistency of design.
5. Owing to the diameter, height, shape and colour of the extractor flue, it is seen as a stark, out of proportion and obtrusive addition when seen from the back

street and residential properties opposite. It detracts from the predominant simplicity of the design and muted tone of the first floor stone elevation of the wider terrace. This harm is compounded in so far that there is another extractor flue at roof level close to the site, albeit that this is not as high as the appeal flue.

6. While I do not doubt that the appellant requires the extractor flue for the take-away business, I have not been provided with any compelling reason as to why an extractor flue could not be accommodated internally and with its exit through the roof of the main building. In any event, and for the reasons outlined above, the harm that has been caused to the overall character and appearance of the area is significant and is a matter of overriding concern.
7. I therefore find that the extractor flue does not accord with the design, character and appearance requirements of policies DS1 and DS3 of the Bradford Core Strategy Development Plan Document 2017, or with paragraph 126 of the National Planning Policy Framework 2021 which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Conclusion

8. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the varied enforcement notice and refuse to grant planning permission on the deemed application.

D Hartley

INSPECTOR