
Appeal Decision

Site visit made on 18 January 2022

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/W4705/C/21/3282772
40 West Royd Road, Shipley BD18 2PQ

- 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 Miss Tracey Slingsby against an enforcement notice issued by the City of Bradford Metropolitan Borough Council
 - The enforcement notice, numbered 20/00755/ENFCOU was issued on 3 August 2021.
 - The breach of planning control as alleged in the notice is: the siting of a timber clad storage container on the land forward of the dwellinghouse.
 - The requirements of the notice are to remove the timber clad storage container on the land forward of the dwellinghouse.
 - The period for compliance with the requirements is one calendar month.
 - The appeal is proceeding on ground (a) only, as set out in section 174(2) 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.

Background information

The appeal property and relevant planning history

2. The two-storey appeal property is the end one of a terrace of four, located in this predominantly residential part of Shipley. Most of the nearby dwellings are semi-detached but all are generally constructed of the same materials with rendered external walls and slate roofs. Some have outbuildings and garages within their curtilages but none of the other houses in the terrace have other large structures located in the front garden areas.

3. The timber clad structure, the subject of the enforcement notice, has been in place since before November 2020. It is 6m wide, 2.43m deep and 2.2m in height. On 20 November 2020 a planning application was submitted for the retention of the structure. It was described by the LPA as being for a '*Retrospective outbuilding in front garden for use as a home office*' and was refused planning permission on 14 January 2021. The decision does not appear to have been appealed and the notice was then issued on 3 August 2021.

4. The appeal against the enforcement notice was made on 13 September 2021 and ground (a) only was pleaded. This is made on the basis that planning permission ought to be granted for the timber outbuilding. On the appeal form the appellant indicates that she was informed by the LPA that she was not allowed to have anything at the side or the front of the property. However, it is stressed that two other dwellings in the same street have had garages erected to the side. No detailed

statement or final comments however have been submitted within the dates set out in the appeal start letter.

Relevant Policy

5. In considering whether or not planning permission ought to be granted, Section 38(6) of the Planning and Compensation Act 2004 indicates that that any determination must be made in accordance with the development plan unless other material considerations indicate otherwise.

6. In this case the most relevant development plan policies are Policies DS1, DS3, DS5 and SC9 of the Council's adopted Core Strategy Development Plan Document (CSDPD). The National Planning Policy Framework (NPPF) is a major material consideration and the CSDPD policies are consistent with the NPPF in seeking to ensure good design, high quality places and sustainable developments.

The appeal on ground (a)

Main issue

7. The main issues in this case are as follows:

- The effects of the timber clad structure on the character and appearance of the property at No 40 West Royd Road and on the surrounding area and, secondly,
- The effects on the living conditions of the occupants of both Nos 40 and 38 West Royd Road.

The effect on character and appearance

8. Having seen the timber structure, from both near and distant viewpoints, I share the Council's concerns about its detrimental visual impact in this part of Shipley. As indicated by the Council, an overriding principle of the NPPF is that development '*should be sustainable*'. To be sustainable developments should, amongst other things, be well-designed, should respect their context and location and should add positively to an area by putting the quality of place first.

9. In my view, this obtrusive and incongruous feature, within the front garden and set more or less hard-up against the frontage of this simply designed terraced house, is far from being well-designed. The gap is only between 300mm and 500mm. In terms of its design, materials, its specific location and its overall scale and form, I consider that it detracts markedly from the character and appearance of the dwellinghouse, as well as from that of the rest of this residential estate.

10. I consider that it is contrary to Policies DS1 and DS3 of the CSDPD. It cannot possibly be said to be taking a '*holistic, collaborative approach to design by putting the quality of the place first*'. I also fail to understand how this particular design could have been '*informed by a good understanding of the site/area and its context*'. It severely detracts from, rather than improving, the area and the word '*eyesore*' comes to mind when seeing it in this particular location. In terms of its layout, scale, detailing and materials I find it completely unacceptable as built.

11. The NPPF states that permission should not be given for development of poor design that fails to take the opportunity to improve the character and quality of an area and the way it functions. On the basis of what I have seen and all of the submitted documents, I can only conclude that the unauthorised development is contrary to Policies DS1 and DS3 of the Core Strategy DPD and the NPPF. It, therefore, fails in relation to this first issue.

Effects on living conditions

12. Turning first to the impact on any occupants of No 40 itself, justification for the retention of the structure as positioned cannot be made on the basis that the appellant might find it to be acceptable and/or required for home-working. In planning terms any development must be assessed in terms of its impact on the living conditions of any occupants who might live there, whether at present or in the future.

13. The timber structure stretches across the whole of the frontage of the house. According to submitted drawing it could have been the intention to leave a gap of around 1m between the structure and the front elevation of the house. However, it appears that the gap is much less than this and at one end it has been completely closed off. Thus, the structure is built straight across the main elevation original windows and door to the house.

14. Due to the fact that the structure blocks daylight and severely affects outlook from the house, I consider that it will have had an unacceptable overbearing effect for any occupant. The loss of direct sunlight to the main front room(s) of the house and the total lack of any outlook will have resulted in serious harm being caused to the living conditions of anyone occupying the house. It also seriously affects the outlook and will cause an overbearing feeling for occupants of the property at No 38 and, therefore, is also harmful to their residential amenity. This is irrespective of whether or not any objection has been made.

15. I find, therefore that the unauthorised timber structure is also contrary to Policy DS5 of the CSDPD, as well as being contrary to the policies in the NPPF which seek to ensure good design and sustainable development.

Overall Conclusion

16. For the reasons set out above I consider that the timber structure as built is contrary to all of the relevant Policies of the CSDPD and to those in the NPPF. I conclude that the decision ought to be made in accordance with the development plan and that there are no other material considerations to indicate that this should not be the case. The appeal must fail and the enforcement notice is upheld.

17. I acknowledge that in these COVID-related times the desire and the need for the provision of a 'home office' is very high. However, in this instance what has been provided is significantly harmful and completely unacceptable in planning terms. Whilst sympathising with the appellant's wishes to have such a 'home office', the fact is that, due to the type, size and location of the property, it does not lend itself to an obvious scheme to provide such an external space across its whole frontage.

Formal Decision

18. The appeal is dismissed and the enforcement notice is upheld. The planning permission deemed to have been made under section 177(5) of the Act is refused.

Anthony J Wharton

Inspector