
Appeal Decision

Site visit made on 11 April 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2022

Appeal Ref: APP/W4705/D/22/3293308
18 Belmont Rise, Baildon BD17 5AW

- 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 Julia Whatford against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/05822/HOU, dated 15 November 2021, was refused by notice dated 2 February 2022.
 - The development proposed is a 4 ft fence on top of the existing 90cm high wall.
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Decision

1. The appeal is allowed. Planning permission is granted for a 4 ft fence on top of the existing 90cm high wall at 18 Belmont Rise, Baildon BD17 5AW in accordance with the terms of the application Ref 21/05822/HOU dated 15 November 2021.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form, however, adequately describes the proposal although it has been necessary to significantly shorten the description to omit wording that is not a description of development and phrasing which addresses the merits of the case.
3. The fence was in place at the time of my site visit and appeared to broadly accord with the submitted plans. For the avoidance of doubt, my decision has been made on the basis of the submitted plans.

Main Issue

4. The main issue is the effect of the fence on the character and appearance of the area.

Reasons

5. Belmont Rise forms part of a pleasant and attractive residential area, where its well-kept houses are set back behind stone walls of modest height which are often augmented by hedging and planting above.
6. Although I noted the presence of timber fencing above the stone wall at 16 Belmont Rise close to the appeal site, timber enclosures to public facing boundaries are not common and the prevailing character of such boundary treatment is that of low stone walling.

7. Within that context, the fencing that has been erected on top of the stone wall is somewhat out of character with the appearance of the area, particularly given its fresh and un-weathered appearance.
8. Subsequently, the proposal would fail to accord with policies DS1 and DS3 of the Core Strategy (2017) (CS) which amongst other things require proposals which are informed by a good understanding of the site/area and which respond to the existing positive pattern of development which contributes to the character of the area.
9. However, I was able to observe that there is a significant drop from the top of the low stone wall down to the garden area at the appeal property.
10. I can understand that the previous arrangement could have been considered somewhat dangerous and an instance of a child trying to walk on top of the wall has been noted by the appellant.
11. The footway runs parallel to the wall. The installation of the fence will have made the potential scenario of anyone falling over the wall into the garden much less likely.
12. Therefore, the previous arrangement between the footway, the low stone wall and the steep drop to the appellant's garden formed a rather unique combination of circumstances at this particular site. I have afforded these matters at this site significant weight, such that they outweigh the conflict of the fence with the requirements of policies DS1 and DS3 of the CS.
13. I have not found conflict with SPD¹ guidance where it relates to boundary walls and fences at part 11 and the Council have not identified which part of the document the proposal would conflict with.

Conditions

14. A condition requiring the development to be carried out in accordance with the approved plans is not necessary and neither are any other conditions given that the development appears to be completed on the site.

Conclusion and planning balance

15. I have identified conflict with the development plan. However, considerations indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

¹ Local Development Framework for Bradford – Householder Supplementary Planning Document.