



Appeal Decision

Site visit made on 4 April 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/W4705/D/21/3287507

402 Thornton Road, Thornton, Bradford BD13 3LP

- 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 Wayne Shirt against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/00206/HOU, dated 14 January 2021, was refused by notice dated 1 October 2021.
 - The development is raised decking to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the Council's significantly more concise development description, as set out within the Council's Decision Notice, in the banner heading above. I note too that this is the description used by the appellant in the appeal submissions and I have therefore determined the appeal accordingly, albeit without direct reference to the retrospective nature of the application. In so doing, I am also satisfied that this is the basis upon which the Council determined the application.

Main Issue

3. The main issue is whether the raised decking preserves or enhances the character or appearance of the Thornton Conservation Area.

Reasons

4. The appeal property (No. 402) lies above Thornton Road and within the Thornton Conservation Area (the CA). The Thornton Conservation Area Assessment (the TCAA) notes the role of Thornton Road in contributing significantly to the character of the CA; most notably by acting as a bypass to its historic core and ancient highway.
5. Nevertheless, Thornton Road is pleasant in its own right. Although it is described within the TCAA as having an inconsistent frontage along its length, that portion of it on the northern side of the road around the appeal site has a pleasantly spacious feel to it. Houses and buildings are set back from, and above the road, with frontages dominated by substantial trees, verdant greenery and domestic gardens laid to lawn and shrubs. The greenery and gradient combine, the TCAA continues, to create a spacious setting and a sense of separation whilst the stone walls, which follow the prevailing slope, are noted as a particularly consistent feature of the CA.

6. No. 402 enjoys a dominant position above the road and within its immediate Thornton Road setting. The garden slopes upwards from the roadside towards the house which, in turn, is sited above the prevailing sloped garden level atop a paved terrace.
7. The house itself is substantial yet well-balanced. The central doorway entrance, flanked by canted ground floor bays, and double hipped roofs emphasise the sense of symmetry to its façade is further emphasised by the steps down to the garden, again located centrally within the building's façade. The steps lead, in turn, to a path which splits into two to form an oval around a central lawn, before coming together at a centrally located gate leading on to Thornton Road.
8. The raised decking to which this appeal relates comprises of two distinct, and distinctly different, levels of decking linked by a steeply raked set of steps. Because of the extent of the fall in ground levels from the house to Thornton Road, the 'retaining' elements of the raised areas of decking, faced by stained timber planks, are stark and incongruous elements within the street scene, albeit the upper portion more so than the lower. The balustrade, rail and finials of the upper portion, particularly, add to the discordant nature of the whole structure, whilst the partial staining of these in a dark brown colour does little to their minimise impact. As a consequence, the decking materially erodes the sense of separation and spaciousness for which this stretch of Thornton Road is noted and deflects attention from the property's well-proportioned and balanced façade.
9. The extent to which these elements cascade down the slope also clashes with the more organic and gentle nature of the slope itself and the stone walls that mark the extent of either side of the appeal property's garden plot. The result is a mix of conflicting angles and levels where the wall, decking and balustrade and railings interact. As the prevailing gradient and stone walls are both characteristics of this part of the CA, the proposal is at odds with and fails to respond positively to important contributory features to the CA's character.
10. Further, the decking is sited to one side of the centrally located steps and entrance doorway where its timber facing, balustrade and railings disrupts the otherwise balanced facade. For a property which gathers much of its character and interest from its balance and symmetry, the stark presence of the decking, set to one side, harmfully challenges the prevailing sense of balance to property's facade.
11. Although the ground area covered by the decking is not particularly large in absolute terms, its visual impact arising from the sloping site and split-level design ensures that it has a disproportionately significant visual impact for its ground area. The Council's Householder Supplementary Planning Document (SPD) qualifies its support for small areas of decking at the front of properties if they do not dominate the front of a property.
12. However, the decking in this instance would fall squarely within the scope of the caution noted by the SPD. It is sited in a prominent elevated position at the front of the house and would dominate the frontage, belying its relatively modest ground coverage. Its siting forward of the front of the house and the stark vertical retaining elements between the deck's levels reduce the sense of space and openness which are otherwise features along this stretch of Thornton Road and erode the sense of balance created by the property's

features, its siting and its layout. The decking therefore fails to add richness or interest to the character of the area as advised by the SPD.

13. The level changes across the site are such that the house sits above the garden level at the front and given the prevailing fall in ground levels, an element of a retaining structure to the terrace (or decking) at the front of the property is inevitable. However, the combination of the two distinct areas of decking is such that it is a stark and discordant feature at the front of the property. As such, the appeal scheme fails to achieve Core Strategy (CS) policy DS1's aims of securing good design and high-quality places.
14. The appeal scheme, for these same reasons, also fails to preserve the character or appearance of the Thornton Conservation Area and features which contribute to its historic value and character. The scheme is therefore also contrary to CS policy EN3. In failing to preserve or enhance the character or appearance of the Thornton Conservation Area, the appeal scheme results in harm to the character or appearance of the Conservation Area, albeit in the wording of the Framework, that the harm is less than substantial. Where that harm is less than substantial the Framework states that it should be weighed against the public benefits of the proposal.
15. The works to create the area of decking have been part of the appellant's efforts to improve and tidy up the garden space at the front of No. 402 and the adjacent burial ground. These efforts have, anecdotally at least, attracted the favourable comments of local residents and passers-by. Whilst that may be so, and such matters are capable of being considered to be a public benefit, the weight that I can give them in support of the proposal are limited as they are not directly related to the decking itself.
16. I acknowledge that recent experiences with Covid-19 induced periods of lockdown have emphasised the importance of accessible outdoor spaces. The desire to provide an enhanced outdoor space for family use is a mainly private benefit, but as the country recovers from the pandemic such matters of well-being are also capable of being a public benefit in their contribution to wider well-being and public health.
17. The decking provides the appellant with a greater extent of level area immediately to the front of the house for use by the appellant's family members. I have noted and given particular consideration to the particular circumstances and benefits that the appellant states that this would bring to the family and the family's enjoyment of the house and garden. As this area enjoys a largely open and southerly aspect its attractiveness for such use is noted, particularly when compared with the smaller yard area on the north facing rear side of the property and which currently provides off-street parking.
18. The public benefits noted above, whilst weighing in favour of the proposal are limited whilst the private benefits weigh neither in support of nor against the proposal. Taking all these factors together, the public benefits of the proposal are not sufficient to outweigh the harm to the character and appearance, or the failure to preserve or enhance the character or appearance of the Conservation Area, that arises from the appeal scheme. The appeal scheme therefore fails to align with the aims of the Framework in this respect, in addition to its conflict with CS policies DS1 and EN3.

Other Matters

19. I have noted the appellant's frustrations with the Council's timescales in responding to complaints about the decking works. The appellant states that had earlier contact been made, changes could have been made and works revised accordingly. An offer of further discussions and revisions at the appeal stage is also noted, although it is convention that an appeal, particularly one proceeding under the Householder Appeal Service provisions, does so on the basis of the plans considered by the Council. These matters are therefore for the appellant and Council to discuss and not material considerations to which I give any significant weight.

Conclusion

20. For the reasons set out, the appeal scheme would fail to preserve or enhance the character or appearance of the Conservation Area and would be a stark and incongruous element within the spacious and largely open front garden of the appeal property. Harm would be caused to the character and appearance of the Conservation Area, albeit that it would be less than substantial.
21. There are a mix of public and private benefits that arise from the appeal scheme, as noted above, the public benefits of which provide some support in favour of the scheme. However, these public benefits are not sufficient to outweigh the harm that I have identified and the appeal scheme therefore fails to accord with the built heritage aims and provisions of the Framework, and is contrary to CS policies DS1 and EN3. Nor are the particular personal circumstances of the appellant sufficient to persuade me as to the submitted scheme's ability to overcome the harm that I have identified.
22. Thus, for these reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR