



Appeal Decision

Site visit made on 6 June 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/W4705/W/22/3296434

Bolton Road, Bradford, West Yorkshire BD3 0NQ

Easting(x): 416637 Northing(y): 434827

- 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 Robbie Lawrence against the decision of City of Bradford Metropolitan District Council.
- The application Ref 21/06038/FUL, dated 1 December 2021, was refused by notice dated 2 February 2022.
- The development proposed was described as *'The proposal is an updated submission of the rejected Planning application (reference: 21-04128-FUL). The proposal is for a two storey three bedroom detached residential dwelling with private garden spaces and windows overlooking Bolton road. The proposal is to have no primary windows overlooking adjacent brick garage façade. Following refusal, the building has been relocated and the layout updated to allow for a vehicular turning point on site. All bedrooms are now relocated so the aspect views are towards Bolton road. A larger private garden space is allocated to the west of the development to minimise overshadowing. Bicycle storage and vehicular charging points are also incorporated'*.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would make adequate provision for outdoor amenity space.

Reasons

3. The appeal site backs on to a commercial garage building, the heavily articulated elevation of which is built right up to and forms much of the site's northern boundary. Although that building is two storeys in height on its north-facing elevation, the single storey elevation that backs on to the appeal site is varied in height but is nevertheless a dominant and substantial feature.
4. Although wide, the appeal site is awkwardly shaped and is, in places, limited in its depth. There would be reasonably sized areas of garden amenity space on either side of the proposed dwelling, but the areas to the front and particularly the rear would be more cramped.
5. The Council estimate that there would be in the region of 2.5m, although this would vary along the length of the opposing elevations. However, the orientation of the two buildings would be such that this narrow area of garden space would be sandwiched between the two-storey mass of the proposed dwelling and the expansive and substantial presence of the building to the north.

6. As a consequence, the narrow neck of land immediately outside the kitchen / diner patio door would be heavily overshadowed by the relatively wide two-storey mass of the proposed dwelling. Moreover, the very limited depth of the gap between the opposing building would not afford meaningful relief from the heavily overshadowed area at the rear of the house.
7. Whilst the area of private garden to the west of the corner of the dwelling would have a slightly more open southerly aspect, this would still be in varying degrees of partial shade for much of the beginning and end of the day. Moreover, due to the proposed dwelling's internal layout and fenestration pattern neither this area, nor that to the east of dwelling, would be particularly well related functionally and visually to the kitchen / diner area. These would not, therefore, provide a practical or convenient alternative to the heavily and oppressively over-shadowed area of garden immediately to the rear of the house. The appellant's '3D axonometric' drawing provides only limited information regarding shading and does not persuade me as to the acceptability of the scheme in these respects.
8. Core Strategy (CS) policies DS1, DS5 and HOU9 all strive to secure good design and high-quality places where, amongst other things, design should positively contribute to people's lives and not harm the amenities of future occupants. The National Planning Policy Framework (the Framework), at paragraph 130, emphasises the importance of good design including layout and the creation of places which promote health and well-being and a high standard of amenity for future users. For the reasons set out the proposal would fail to do so, and would thus fail to accord with CS policies DS1 and DS5, and CS policy HOU9.

Other Matters

9. I note that the Council previously accepted the principle of the residential development of the site in the form of an approved, but now no longer extant, permission¹ and also in the officer report in respect of the case now before me. The proposal would also contribute towards boosting housing supply, albeit in a limited and modest manner. I note too, that the Council do not object to the proposal in terms of its visual appearance and effect on character and appearance, heritage matters in respect of the nearby grade II* listed park and garden and in terms of highway safety.
10. The housing supply argument weighs modestly in favour of the proposal, but these other matters are neutral, weighing neither in support of nor against the proposal. Thus, collectively and individually, they do not outweigh the harm I have identified above or the proposal's failure to accord with adopted development plan policies or the Framework as a whole.

Conclusion

11. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR

¹ LPA Ref No: 13/04125/FUL