



Appeal Decision

Site visit made on 12 July 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022

Appeal Ref: APP/W4705/W/22/3297890

6 Duckworth Lane, Bradford BD9 5EP

- 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 Salman Rajab against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 22/00316/FUL, dated 24 January 2022, was refused by notice dated 28 April 2022.
 - The development proposed is an external rear extraction canopy and ac unit.
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Decision

1. The appeal is allowed and planning permission is granted for an external rear extraction canopy and ac unit at 6 Duckworth Lane, Bradford BD9 5EP in accordance with the terms of the application, Ref 22/00316/FUL, dated 24 January 2022, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21-113-P-01 and 21-113-P-02-F.
 - 3) The cladding to be used to the extraction equipment and the material to be used to block-up the first floor window hereby approved shall comprise of stone which shall match that used in the existing building and shall be retained as such.
 - 4) The unclad parts of the extraction equipment hereby approved shall be painted black and shall be retained as such.
 - 5) The development hereby approved must only be completed and operated in full accordance with all recommendations and mitigation detailed on pages 5, 10 and 11 of the Nova Acoustics Noise Impact Assessment version 002 dated 4 March 2022.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area, particularly the rear street scene of Duckworth Lane.

Reasons

3. The host property is located at one end of a short row of terraced properties. This part of Duckworth Lane has a significant number of commercial properties which vary in nature but includes premises selling food and drink. The character is more residential on streets adjacent to Duckworth Lane. Consistent with this, a residential terrace is located to the rear of No 6, beyond a back lane. The terrace containing No 6 has rear yard spaces with outbuildings, offshoots, and a variety of paraphernalia, including extraction equipment, air conditioning units and metal access stairs all visible from the back lane. It is the prevailing character of the area that properties are constructed with stone walls and slate roofs. Chimneys are commonplace in the area as are forms of extraction equipment at the food and drink premises.
4. Sections of the extraction flue are proposed to be clad with stone. This would match the stonework of the host property and area. The extraction flue would terminate well below the ridge of the roof and, where it projects above the eaves, would be painted black. This limitation to its height and material finish would help to assimilate the flue into the stonework of the rear elevation and the dark coloured roof. The extraction flue would also be situated between windows in the rear elevation, thereby ensuring that these features of the rear of the property are not concealed.
5. The air conditioning unit would be set against the rear wall of the property and above an existing single storey offshoot, which, in some views from the back lane, would make it less visible. The air conditioning unit is a small feature which would not be prominent.
6. Even though extraction equipment and air conditioning units are already on the terrace, for the above reasons I find the particular proposals in this case to be acceptable and that no unsightly proliferation of equipment would result.
7. A first floor window is proposed to be blocked-up. The infill would be in stone and the stonework surrounds to the window, a feature of the property and area, would be kept thereby retaining a reference of its presence. Furthermore, I noted examples of other blocked up windows and doors nearby on my site visit.
8. An access door is proposed in the side elevation of the existing single storey rear offshoot. Unlike the remains of the property, this offshoot has a flat roof and a rendered wall finish and it does not make a positive contribution to the property or back lane. The alterations to incorporate the door would not be harmful to the character or appearance of the street scene.
9. Accordingly, I find that the development would be appropriate to the context of the area and achieve good design in accordance with policies DS1 and DS3 of the City of Bradford Core Strategy Development Plan Document 2017.

Other Matters

10. It is clear from the evidence before me that, notwithstanding any internal alterations shown on the submitted plans, the use of the property is not part of the development proposed subject to the appeal. The use of the property and any effects arising from it, therefore, cannot influence my Decision.

11. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 (Equality Act), which sets out the need to eliminate unlawful discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Equality Act sets out the relevant protected characteristics which includes disability and age. In this case, as the use of the property is not the subject of the appeal, my Decision is not determining that a restaurant be permitted at the site or, in turn, its proximity to children and young people. I am aware of personal circumstances that may apply to nearby occupants but have found the noise implications of the development acceptable.
12. The submitted noise impact assessment proposes mitigation measures to reduce the noise effects of the extraction equipment and air conditioning unit. Such mitigation can be controlled via condition and I have no reason to conclude that these mitigation measures would be ineffective nor that the development would cause any unacceptable noise effects upon nearby occupiers. I have no substantive evidence before me to suggest that the equipment proposed would cause or fail to appropriately limit smoke or smells.

Conditions

13. I have imposed a plans condition in the interests of clarity and conditions to secure the appropriate use of materials and their colour to protect the character and appearance of the area. I have made some amendments to wording where necessary and in the interests of precision or clarity.
14. Condition 5 is necessary to ensure that noise mitigation measures are undertaken so that the effects upon the living conditions of nearby occupiers are acceptable. I have amended the wording from that suggested by the Council given the use of the property is not for consideration. Where I have made amendments to the wording of the conditions I am satisfied that neither party's interests would be prejudiced.

Conclusion

15. For the reasons set out above, the appeal is allowed subject to the conditions above.

H Jones

INSPECTOR