



Appeal Decision

Site visit made on 4 July 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/W4705/C/22/3296176

Land at 7 Benn Avenue, Bradford BD7 2NH

- 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 1990 Act as amended).
 - The appeal is made by Mr Aman Haydari against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The notice was issued on 24 February 2022.
 - The breach of planning control as alleged in the notice is, without planning permission, the construction of a boundary wall/railings and gate, as shown in the attached photograph.
 - The requirements of the notice are to: 1. Demolish the unauthorised boundary wall/railing and gate between points A and B on the attached plan: or 2. Reduce the height of the boundary wall/railing/gate so that no point exceeds 1 metre in height from the original ground level between points A and B on the attached plan.
 - The period for compliance with the requirement is: Three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (a)

1. An appeal on ground (a) seeks that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. In this instance, the breach of planning control as alleged in the notice is the construction of a boundary wall/railings and gate as shown in the photograph attached to the notice, hereafter referred to as the breach of planning control.
2. I observed on my site visit that the boundary wall/railings and gate as constructed do not match the photograph attached to the notice in terms of the number and location of openings (vehicular and pedestrian), the design of the gates or the finished treatment of the boundary wall. Moreover, nor do they reflect the plans submitted with the appeal¹ in terms of the location of openings (pedestrian), the design of the gates or the material and finished treatment of the boundary wall.
3. I note the appellant's comments regarding the finished treatment and appearance of the boundary wall as existing, in that it now matches the finish of the dwelling. Nonetheless, I am required to assess the appeal on whether

¹ Drawing No: A100 3D Views; Drawing No: A102 Proposed Elevations; and Drawing No: A105 Site Plan.

planning permission ought to be granted for the breach of planning control which may be constituted by the matters stated in the notice, and that is what I have done.

4. In the context of the above, the main issue is the effect of the breach of planning control on the character and appearance of the area.
5. The appeal site occupies a prominent corner position on Benn Avenue leading into Benn Crescent. The appeal property is a two-storey, semi-detached dwelling, which is set back from the highway and has been extended at the side and rear. At the time of my site visit the site was enclosed by a blockwork wall with a grey render finish and topped by decorative painted metal railings. It had two vehicular entrances and one pedestrian entrance into the site, all with decorative painted metal gates. However, the matters stated in the notice and the photograph attached to the notice comprise a blockwork wall with no external finish which is topped by decorative painted metal railings. A pedestrian entrance is positioned on the corner with a close boarded painted timber gate.
6. Housing in the surrounding area is characterised by regularly spaced, two-storey, semi-detached dwellings which are set back from the highway with gardens and/or driveways at the front. The boundary treatment to the front and sides of the properties is mixed. Some have none, while others possess brick or rendered walls, picket fences, metal railings or hedges. Notwithstanding the variety in the materials and design of the boundary treatments, on the whole, they are mostly low in height. Consequently, even though Benn Avenue and Benn Crescent are quite narrow, the generally open nature of the frontages impart a pleasant spacious feel to the area.
7. The substantial height of the boundary treatment that forms the breach of planning control would be out of keeping with the prevailing lower height of other enclosures in the area. This, combined with its largely solid form, rudimentary finish and extensive length around this corner plot, would result in an unduly prominent and wholly discordant boundary enclosure within the street scene which would undermine the generally open and spacious characteristics of the neighbourhood. These adverse effects would not be sufficiently mitigated by the incorporation of metal railings on top of the wall.
8. I am aware that the area to the front and side of the appeal property provides the main private amenity space for the appellant and I note their assertion that the height of the wall provides security to this corner garden. Nonetheless, no substantive evidence has been provided which confirms that security is an issue within the area. Even if I accepted this to be the case, I am not persuaded that a boundary enclosure of the height and nature which forms the breach of planning control would be the only way to adequately address this matter.
9. Drawing all of the above together, I conclude that the breach of planning control would have a harmful effect on the character and appearance of the area. Consequently, the development would conflict with Policy DS1 of the Bradford Core Strategy Development Plan Document, adopted July 2017, in so far as it seeks development proposals to contribute to achieving good design and high quality places. It would also not comply with guidance in the Bradford Householder Supplementary Planning Document, 2012, concerning boundary

treatment. In addition, it would not accord with the National Planning Policy Framework, 2021, in relation to achieving well-designed places.

10. For the reasons given, the appeal on ground (a) fails.

Formal Decision

11. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

F Cullen

INSPECTOR