
Appeal Decision

Site visit made on 1 August 2022

by L Hughes BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/W4705/D/22/3300308

106 Albion Road, Bradford, BD10 9QL

- 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 David Wreford against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/00784/HOU, dated 18 February 2022, was refused by notice dated 31 March 2022.
 - The development proposed is a replacement porch, re-cladding of existing lean-to side extension with new decking to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed replacement porch, re-cladding of existing lean-to side extension with new decking to rear at 106 Albion Road, Bradford, BD10 9QL in accordance with the terms of the application, Ref 22/00784/HOU, dated 18 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan 003, and Proposed Elevations and Perspectives 004.
 - 2) The render finish shown on drawing no 004 to the side extension and the porch hereby permitted shall be carried out within a period of 6 months, shall match visually that of the host dwelling, and shall be retained as such thereafter.
 - 3) The 4 side windows in the side extension shall be retained with obscure glazing and shall thereafter be maintained as such.

Preliminary Matters

2. The appeal is partly retrospective. The parts of the appeal development that have not yet been provided are the re-cladding of the porch and side extension, and the full extent of the decking. Some other works referenced by neighbours as carried out at the property are not included in the description of the development, so I have not considered them as part of this appeal.
3. The Council raises no objection to the proposed porch, so I have focused my decision on the side extension and the decking.

Main Issues

4. The main issues are:

- The effect of the development on the character and appearance of the streetscene; and
- The effect of the development on the living conditions of the occupiers of No. 108 Albion Road, with particular regard to privacy.

Reasons

Character and appearance

5. The subject property comprises a rendered semi-detached dwelling, set within a residential suburban street of dwellings of a similar age and style. A range of modest extensions and alterations to the original properties are displayed within the streetscene, while the cohesive overall character remains. A wooden clad lean-to side extension fills the gap between the original dwelling and No. 108 Albion Road. It has a painted pale frontage and a dark painted side elevation.
6. The frontage of the side extension presents a blank elevation as it contains no window or clear door opening. However, it is limited in scale and so is not prominent, with only a minor impact on the cohesive character of the streetscene. I find therefore that this does not in itself create harm.
7. Once the extension is rendered and better matches the existing dwelling, it will blend even more cohesively than as built. It will not have an overbearing or incongruous impact on the streetscene. The Council agrees that the use of render to match that of the host dwelling would be an improvement to the wooden cladding, but suggests that this may not be achievable. However, I have no reason to consider that the render finish identified in the proposed drawings could not be achieved.
8. In conclusion therefore, the development would not result in harm to the character and appearance of the streetscene. Accordingly, I find no conflict with Policies DS1 and DS3 of the Bradford Core Strategy Development Plan Document (2017), and the guidance of the Council's adopted Householder Supplementary Planning Document (SPD). These policies and guidance aim for proposals to achieve good design, and to ensure that new developments are appropriate to their context, specifically in relation to scale, details, and materials.

Living Conditions

9. The development involves obscuring 4 existing windows of the side extension, which I understand is to overcome the impact on privacy from overlooking. The appellant has confirmed that the room is non-habitable, and on my site visit I noted that it is used as a store and utility room. Therefore, the presence of only obscure glazed windows does not unreasonably affect outlook or impact on the living conditions of the occupiers. It also protects the privacy of the neighbouring occupiers, and thus is acceptable.
10. The rear decking creates a substantial raised platform in an elevated position along the common boundary with No. 108 Albion Road. Trellis fencing along

part of the boundary is used as screening. I note that the elevation plan does not accurately show the extent of the drop between the dwelling and No. 108.

11. However, while the decking allows overlooking with a resulting impact on privacy for the neighbouring occupiers, a level of overlooking in this manner is to be expected considering the topography and how the land drops down between each pair of dwellings along this part of the street. The existing rear patio already allows overlooking over most of the gardens of No. 108 and No. 110, and to some extent also into the rear windows. The relationship of other platforms and fences and the ground levels in the surrounding gardens means that they generally have little privacy. I do not find that the impact of the additional overlooking is so harmful that a dismissal of the appeal is justified.
12. In conclusion, the development would not result in an unacceptable impact on the living conditions of the occupiers of No. 108 Albion Road, with particular regard to privacy. This is in accordance with the Core Strategy Policy DS5, and the guidance in the Householder SPD, which aim for proposals to be safe and inclusive places to create a pleasant environment, and specifically seek to not harm the amenity of existing or prospective users and residents.

Other Matters

13. I note the objections from other neighbours which relate to the impact on light and privacy, and that the structures are intrusive. However, for the same reasons as outlined above I find that significant harm is not caused in this regard, particularly because other properties are further away from any impact than No. 108.
14. Neighbours also raised other points of objection. Matters of asbestos, rats, combustible materials, and noise and disturbance can be addressed through legislation outside of the remit of planning. I am satisfied with the standard of documents which were submitted. Trees that are not statutorily protected can be felled without planning permission. The impact on property values is not a material consideration to which I can give any weight.

Conditions

15. In the interests of certainty, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, and a condition to retain the obscure glazing due to its importance as regards privacy for the neighbouring property.
16. Condition 2 secures a 6 month timescale for the implementation of the render to the side extension and porch as proposed on drawing Ref. 004. This is to ensure that the details which are of key impact to the character and appearance of the area are implemented as soon as possible to make the development acceptable in planning terms. I have required a 6 month period for compliance as the appellant raised a concern about achieving this within 3 months.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude the development would accord with the development plan taken as a whole, and therefore that the appeal should be allowed.

L Hughes

INSPECTOR