



Appeal Decision

Site visit made on 21 September 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2022

Appeal Ref: APP/W4705/W/22/3302600

17 Oaklands, Bradford BD10 8RG

- 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 Gary Holmes against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/01201/FUL, dated 15 March 2022, was refused by notice dated 31 May 2022.
 - The development proposed is construction of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:-
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on highway and road safety
 - The effect of the development on the living conditions of new and existing residents.

Reasons

Character and appearance

3. The appeal site is the rear garden of the host dwelling, which is single storey to the front elevation and two storeys at the rear. The property faces Oaklands to the front and Highfield Road beyond the rear boundary. The appeal site slopes down from front to rear.
4. It is proposed to erect a dwelling in the garden area of 17 Oaklands. In light of the sloping site, it would be three storeys to the front, which would face Highfield Road, and two storeys at the rear. The proposal has been refused previously, and a revised scheme was submitted to address the original reasons for refusal but was refused again and is now subject to this appeal
5. Notwithstanding the evolution of the scheme from previous decisions, I find that the proposed design is uncharacteristic of dwellings in the vicinity of the site and in an attempt to integrate the dwelling into the plot it has the outward appearance of being contrived.

6. The proposed dwelling would be easily visible from Highfield Road, as is 19 Oaklands, which is part of another section of development on Oaklands. The section of Oaklands which the host property is sat in (four detached properties) is consistent in terms of the rear garden areas leading down to Highfield Road. I find that given the limited size of the site, the appeal proposal would be contrived in design to fit the site with that contrived siting, appear incongruous within the locality and would not relate well to any of the properties in the section of Oaklands where the host property is sited. The nature of the appeal site does not reflect the relatively spacious curtilages of surrounding properties and does not sit comfortably within the established grain of local properties on Oaklands.
7. Therefore, by the restrictions of the appeal site, and the contrived design that attempts to overcome those restrictions, I find that the intrusive and incongruous nature of the proposal would be materially harmful to the character and appearance of the area, and as a result would be contrary to policies DS1 and DS3 of the Bradford District Core Strategy Development Plan Document (2017) (the CS) which, amongst other matters, expect development to take a holistic approach to design putting quality first, have a good understanding of site and context and respond to existing positive patterns of development.

Highway/Road safety

8. The host dwelling has previously obtained consent for access and parking to be taken off Highfield Road and the appellant has indicated that parking would still be available if the development were to be approved.
9. However, no details of how the parking and manoeuvring would be achieved have been submitted, and Highfield Road is a well-trafficked road which a bend in the near vicinity. I have concerns that the parking and manoeuvring of vehicles would be compromised by the presence of the proposed new dwelling, and in the absence of plans demonstrating how this would be provided, especially on to a busy highway lie Highfield Road, I cannot be convinced that highway and road safety would not be compromised by the proposals.
10. As such, I find the proposals contrary to policies DS4 and TR2 of the CS, which amongst other matters, expect development to take an approach to highway design that supports the overall character of the place and take a design led approach to car parking.

Living conditions

11. The Council have referenced a considerable number of concerns in relation to various aspects of living conditions in relation to both new and existing residents.
12. Amendments were submitted with the current application in order to overcome the issue of impact on adjacent neighbours which have seen a reduction in overall height and offsetting the location of the proposed dwelling. The separation distance to the private amenity area of 19 Oaklands would be approximately 3.6m, adjacent to that private area.

13. Even with the reduction in overall height, the proposed dwelling would undoubtedly feel overbearing and oppressive to the occupants of 19 Oaklands and the fact that the proposal would be located to the north of that area, which would in turn raise the possibility of overshadowing of that private area. I find the combination of the two would harm the living conditions of the occupants of that property.
14. With regard to the positioning of the proposed dwelling and the host dwelling, from the evidence submitted, the separation distance is approximately 12.4m between the dwellings, but approximately 3.5m from the boundary of 17 Oaklands and the rear of the proposed dwelling.
15. The Supplementary Planning Guidance Document (Homes and Neighbourhoods) seeks 10.5m minimum from a boundary to habitable room windows, which cannot be achieved from the proposed dwelling, and as such this reduced distance would lead to harm to the living conditions of 17 Oaklands by the dominant nature and overbearing impact of the proposed dwelling.
16. With the boundary being approximately 3.5m from the dwelling, given the respective site levels, and the indication of boundary treatments, the amount of natural light being able to reach the space will be compromised and lead to reduced outlook from the proposed dwelling, and would be harmful to the living conditions of future occupiers of the dwelling.
17. As such, with the harm to the living conditions of new and existing residents, I find conflict with policies DS5 and HO9 of the CS which, amongst other matters, expect development not to harm the amenity of existing or proposed users and residents and should provide private outdoor space for homes.

Other Matters

18. The appellant has alluded to other developments that have been previously approved with reference to garden spaces. However, I have received limited details of these and cannot compare development or the context of them. I am required to assess the proposal on its own merits, and I have identified harm where appropriate.

Conclusion

19. The proposal conflicts with the development plan when taken as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

Paul Cooper

INSPECTOR