



Appeal Decision

Site visit made on 25 October 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/W4705/W/22/3306501

2 Baildon Road, Baildon, Bradford BD17 6AE

- 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 George Gait against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/02502/FUL, dated 7 June 2022, was refused by notice dated 25 August 2022.
 - The development proposed is construction of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development in the banner heading above from the Decision Notice of the Council as it describes the development more succinctly than the application form. I am satisfied neither party has been prejudiced by the change.

Main Issue

3. The main issue in this appeal is the effect of the development on existing residents.

Reasons

4. The appeal site is the side garden to 2 Baildon Road. The appeal site slopes steeply from Baildon Road toward Cliffe Lane South. The properties with the Cliffe Lane South postal addresses are split level properties due to the site level differences.
5. With the site levels, the appeal property would be single storey to the Baildon Road elevation and two storeys to the Cliffe Lane South elevation, where the main vehicle access would be taken from.
6. The property would be constructed in natural stone and concrete roof tiles, in keeping with surrounding properties.
7. The appeal property is proposed to be on the same building line as Nos 24 to 30 Cliffe Lane South with no side windows on the elevation that faces those properties. As a result, I am satisfied that the appeal proposal would not harm the living conditions of those residents by means of overshadowing or overbearing impact.

8. The proposed 2 storey dwelling would be approximately 1m from the shared boundary with 2 Baildon Road and 2.5m from the side elevation with that property. It would also project 7m beyond the rear wall of that property and require a retaining wall to be constructed between the properties for part of that projection.
9. Due to that projection to the rear of No 2 Baildon Road, at that separation distance between the properties the proposal would be overbearing when seen from No 2. Due to the relative siting and the passage of the sun, it would not lead to any significant overshadowing of the remaining rear garden area to No 2.
10. Part of the dwelling's side wall and roof would project above the boundary fence. Due to its higher floor level, height and bulk in close proximity to the common boundary, the new dwelling would appear as an overbearing and oppressive feature when viewed from the rear windows and the outdoor area of No 2, increasing the sense of enclosure and making it much less pleasant to use.
11. For these reasons, I conclude that the proposed dwelling would cause material harm to the living conditions of the occupiers of No 2 Baildon Road. There would be conflict with policies DS1 and DS3 of the City of Bradford Core Strategy Development Plan Document, which, amongst other matters, expects development to be informed by a good understanding of its site/area and context and respond to positive patterns of development

Planning Balance

12. It is clear from the evidence before me that the Council is not able to demonstrate a five-year housing supply. In these circumstances it is appropriate for me to assess the proposal having regard to Paragraph 11 of the Framework. In this case I am satisfied that the policies on which the Council relied are consistent with the aims of the National Planning Policy Framework (the Framework). Consequently, any conflict with them carries full weight in my assessment.
13. I accept that the proposal would provide a modest social benefit arising from the added supply of a dwelling in a location which has access to public transport and other services. There would be some limited economic benefits associated with the creation of employment during the construction period.
14. However, I have identified that there would be significant material harm to the living conditions of existing residents and the social benefits would be reduced as a consequence of the poor living conditions that would remain for those residents. As a result, even though the Council is unable to demonstrate a five-year housing land supply, the adverse impacts associated with the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

15. I have concluded that the proposal would conflict with the development plan. There are no other material considerations that outweigh this conflict and for this reason I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR