



Appeal Decision

Site visit made on 12 January 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/W4705/D/22/3309459

72B Fagley Lane, Bradford, West Yorkshire BD2 3NS

- 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 N Babbar against the decision of City of Bradford Metropolitan District Council.
- The application Ref 22/03315/HOU, dated 28 July 2022, was refused by notice dated 22 September 2022.
- The development proposed was originally described as installation of gates and fence.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal property was granted consent with a condition that restricted the obstruction of the visibility splays above 1m in height. The existing boundary treatment exceeds these restrictions, and I am subsequently considering the appeal retrospectively.

Main Issues

3. The main issues are the effects of the development on:
 - Highway safety in Fagley Lane with particular reference to the visibility from the entrance to No 72A and 72B Fagley Lane (No 72A or 72B); and
 - The character and appearance of the surrounding area.

Reasons

Highway safety

4. This part of Fagley Lane (the Lane) contains several residential properties with access directly onto the Lane. There is a footway on the opposite side of the Lane. However, there is no footway running past the appeal property on the western side of the Lane. This means any vehicles exiting the driveway of either No 72A or 72B exit directly onto the Lane.
5. The position and height of the gates, fence and walls in relation to the Lane means that any driver, either reversing or driving out in a forward gear from No 72A or 72B, would have poor visibility despite the width of the openings. As such, there would be limited warning of approaching vehicles from the southeast, which would be travelling on the side of the Lane closest to No 72A and 72B. Likewise, drivers of vehicles travelling along the Lane, particularly

those travelling from the southeast would have little warning of vehicles emerging onto the Lane resulting in a risk of a collision.

6. For these reasons the development results in unacceptable highway safety effects in the Lane with particular reference to the visibility from the entrance to No 72A and 72B. Consequently, the development is contrary to Policy DS4 of the Council's Core Strategy Development Plan Document (2017) (CS) insofar as it seeks to promote safe access, movement, and use.

Character and appearance

7. The appeal property is a modest sized semi-detached dwelling. Enclosing the frontage, even with the proposed removal of the fence on top of the wall, would result in a distinctly large bulky massing. This is at odds with the modest scale of the host dwelling. As such, views of the property are significantly impeded when the gates are closed, resulting in a distinctly insular development with a poor relationship to the public realm.
8. Moreover, the combination of the difference in stonework along the wall, the black composite materials, and the timber fencing between No 72A and 72B results in a contrasting mix of materials. These create a hard striking edge that fails to harmonise with each other and detracts from the street scene.
9. For all these reasons the development is harmful to the character and appearance of the surrounding area. As such, the development is contrary to the requirements of Policies DS1 and DS3 of the CS and the Council's Householder Supplementary Planning Document. Taken together these, amongst other things, are concerned with the character and appearance of developments.

Other Matters

10. The appellant was unaware of the restrictive condition on the planning permission when the dwelling was approved, and I note that the appellant considers the side fence to be permitted development. However, these are not matters for my consideration within the context of an appeal under section 78 of the Act and I have determined the appeal based on the application and plans submitted to the Council. I do not have substantive details of the extent of crime issues at the site in relation to the damage to the appellant's car or stones being thrown at the windows. Overall, I give the security benefits limited weight.

Conclusion

11. For the reasons given above, the development conflicts with the development plan and there are no material considerations that outweigh this conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR