



Appeal Decision

Site visit made on 29 November 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/W4705/W/22/3308755

14 Woodview Terrace, North Avenue, Bradford BD8 7AH

- 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 Hafeez Bahadur against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/02343/FUL, dated 26 May 2022, was refused by notice dated 18 July 2022.
 - The development proposed is basement and lower ground floor extension to the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been erected on site and its structure is largely complete. Some elements of the development shown on the submitted plans are yet to be added, such as the hipped roof, stone slip cladding, balustrading and infilling of the basement level windows. However, the building appears to largely accord with the submitted plans. For the avoidance of doubt, I have determined the appeal in accordance with these details.
3. The plans illustrate an extension to the rear of both Nos 12 and 14 Woodview Terrace, and this accords with the findings of my site visit. However, the appeal relates only to No 14 Woodview Terrace and the red line on the site location plan is drawn only around No 14. The appellant's statement of case refers to separate planning applications being made for Nos 12 and 14, but the appeal has been made only against a refusal of planning permission at No 14. Accordingly, I have determined the appeal only on the basis of the development concerning No 14.
4. The description of development on the planning application form includes the terms '*resubmission of application*' and '*retrospective*'. However, these are not acts of development and I have accordingly omitted them from my description in the banner heading above.

Main Issues

5. The main issues are the effect of the development on:
 - i) The character and appearance of the host property and the area, including the St Paul's Conservation Area; and
 - ii) The living conditions of the occupiers of No 16 Woodview Terrace, with regard to light and outlook.

Reasons

Character and Appearance

6. The appeal site is a mid-terraced property in a traditional street of large, terraced houses. The site sits on sloping ground, falling towards the rear where it abuts a railway line. The appeal property, No 14, and its adjoining property, No 12, fall under the same ownership. Both properties are occupied by the owner and members of his extended family. The properties have been subdivided in various ways yet share some common facilities, and the development is intended for the use of both properties.
7. The rear gardens of Nos 12 to 20 Woodview Terrace are open and have no clear boundary features. They are currently overgrown and show no recent signs of recreational use in connection with the residential properties. The rear gardens are accessible via lanes at each end of the terrace.
8. The site is located in the St Paul's Conservation Area (the CA). I have been provided with a copy of the CA Plan, which shows the site to lie on its eastern boundary. The railway line adjacent to the site lies outside of the CA. Whilst the area of the CA to the west of the site further uphill from North Avenue is characterised by the abundance of greenery and large traditional detached houses in spacious grounds, North Avenue is characterised by rows of large traditional terraced houses that front both sides of the road. The significance of this part of the CA is derived primarily from the scale and traditional appearance of the substantial terraced dwellings. This is particularly true when viewed from the rear, with the topography of the land providing the buildings with an imposing elevated position.
9. The development provides extensions to the basement and lower ground floor of the property. Development to the rear of a property can sometimes have a reduced impact on the character and appearance of an area. However, in this case, due to the topography of the land, the extension is elevated significantly above the adjacent land to the rear and appears as an unduly dominant and uncharacteristic addition to the property. The development is prominently visible from the adjacent garden areas and many public vantage points including the lanes to each end of the terrace, the industrial estate on the opposite side of the railway line, and passengers on regular passing trains. Its dominant and uncharacteristic bulk, scale and massing contrasts harmfully with the proportions and detailing of the traditional terraced dwellings.
10. The design and alignment of the fenestration of the lower ground level does not relate well to that of the main dwelling. I acknowledge that I viewed the development in an unfinished state, with final works such as the roof, stone cladding, balustrading and infilling of the basement windows not yet completed. However, even if these works were completed, this would not mitigate the overall harm I have identified.
11. For the same reasons, the proposed development also harms the significance of the CA. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing

justification. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use. Based on the evidence before me, including my own observations, there are no public benefits arising through the development. Therefore, there are no public benefits that would outweigh this harm.

12. For the above reasons, I conclude that the development results in harm to the character and appearance of the host property and the area and fails to preserve or enhance the character or appearance of the CA. The development is therefore in conflict with the aims of Policies DS1, DS3 and EN3 of the Local Plan for the Bradford District Core Strategy Development Plan Document (Adopted July 2017) (the CSDPD) which seek, among other objectives, to achieve good design and high quality places, for developments to create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials, and to protect and enhance the character, appearance and significance of the District's designated heritage assets and their settings. The development also conflicts with the Framework, which has similar objectives. Furthermore, it would fail to satisfy the requirements of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Living Conditions

13. The development sits on the boundary with No 16 Woodview Terrace. The adjacent rear elevation of No 16 features a door at the closest point to the boundary, with large windows serving the lower ground floor beyond this. As a consequence of the significant bulk and massing of the extension, as well as its orientation to the south of and proximity to No 16, it would significantly reduce the amount of light entering the room served by this door and windows, creating an unduly gloomy form of living environment. Furthermore, the extension would appear as an overbearing and unduly dominant feature in the outlook from these adjacent windows and from the neighbouring rear garden area.
14. I have had regard to Design Principle 3 of the Local Development Framework for Bradford – Householder Supplementary Planning Document (the HSPD). Whilst I acknowledge this should be treated as guidance only, the scale of the development substantially exceeds the measurements set out in the HSPD. As such, this further weighs against the proposals in the planning balance.
15. For the above reasons, I conclude that the development results in harm to the living conditions of neighbouring occupiers at No 16 Woodview Terrace with regard to light and outlook, which conflicts with the aims of Policy DS5 of the CSDPD, which seeks to ensure development proposals do not harm the amenity of existing and prospective users and residents. There is also conflict with Design Principle 3 of the HSPD, which has similar aims.

Other Matters

16. I acknowledge that the appellant has invested heavily in the development for the benefit of his family who reside in Nos 12 and 14, and when completed it would improve the quality of living accommodation and provide access to outdoor space without needing to use steps down to the garden area. I note

there have been no objections to the scheme and support from a local Councillor on the basis that the scheme would support the needs of the appellant's family. I also acknowledge there have been previous permissions on the site and some structures have existed in the past, though I have only been provided with very limited details of these. However, even if I were to give weight to these matters, this would not outweigh the harm to the character and appearance of the area and the significance of the CA.

Conclusion

17. The development fails to accord with the policies of the development plan as a whole and there are no other considerations that outweigh this conflict. For the above reasons, and taking account of all other relevant matters raised, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR