



Appeal Decision

Site visit made on 28 March 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2023

Appeal Ref: APP/N4720/W/23/3315924

Land to the side of 43A Station Road, Drighlington, Bradford BD11 1JU

- 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 Jan Murray against the decision of Leeds City Council.
 - The application Ref 22/05532/FU, dated 9 August 2022, was refused by notice dated 20 October 2022.
 - The development proposed is described as 'new end terrace to be stitched on to side of 43a Station Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. After carrying out my site visit, I invited further comments from the main parties in relation to design and the level of privacy for occupants of the development. I have taken the responses into account in reaching my Decision.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the host building and surrounding area;
 - Whether the development would provide its occupants with suitable living conditions, with particular regard to privacy.

Reasons

Character and appearance

4. 43a Station Road is one half of a pair of two-storey, semi-detached houses located at the corner of Station Road with Bowling Green View. It is a simple gable-ended brick building of modest proportions, albeit both dwellings have added conservatories at the rear. The surrounding area contains houses of different ages and styles.
5. The proposed dwelling would be attached to the end of No 43a, effectively creating a short terrace. The Council did not object to the design of the scheme. I would agree with the Council's assessment in so far as the width, height, and materials of the proposal would reflect the host building.
6. However, the rear roof slope would contain a large flat roof dormer window. Even though the dormer would be set in from the edges of the roof, it would

still be a wide and bulky structure. Its size and box-like form would appear excessively large, and together with its wide window opening, would not be in keeping with the form and fenestration of the host building. This disruptive design element would be clearly experienced from Bowling Green View where it would be incongruous given the absence of dormers within this street scene. In these respects, the design of the development would not integrate sensitively with the host building and its immediate surroundings, notwithstanding the variety of built form in the wider area. Permitted development rights clearly do not apply to the proposal, so have limited bearing on my Decision.

7. In terms of other effects, I accept that the introduction of built development within the site would inevitably diminish the sense of spaciousness at the entrance to Bowling Green View. Nonetheless, the drawings show a reasonable distance of between 2.8m–5.3m being retained between the gable end and the highway. The appellant's analysis within the accompanying Design and Access Statement shows that this is consistent with the pattern of other development in the locality. Furthermore, the front of the site would remain open for parking and landscaping, while the rear garden would be enclosed by a low fence of just 1m in height. Consequently, the development would not have a cramped or overdeveloped appearance within the plot, and as such, would not impose unduly on the spatial character of the area.
8. Overall, while acceptable with regard to spatial character, due to the size, form, and fenestration of the rear dormer, I find that the development would unacceptably harm the character and appearance of the host building and surrounding area. Thus, the proposal conflicts with Policy P10 of the Leeds City Council Core Strategy (as amended 2019) (CS), which among other things, expects high quality design and development which respects the character and quality of its surroundings with the intention of contributing positively to place making. There is also conflict with Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (UDP) where it requires that development proposals should resolve detailed design considerations. Furthermore, it does not accord with Chapter 12 of the National Planning Policy Framework (the Framework), which seeks the creation of high quality, beautiful and sustainable buildings and places; good design is a key aspect of sustainable development. Development that is not well designed should be refused.
9. However, I do not find conflict with Policy H2 of the CS where it resists development of greenfield land which makes a valuable contribution to the spatial character of an area.

Occupants' living conditions

10. Although not raised as a concern by the Council, it was evident from my site visit that the proposed 1m high boundary fence adjacent to Bowling Green Lane would not be sufficient to prevent close public views into the rear ground floor windows and garden of the new dwelling. The result is a design and layout that would not provide the occupants with adequate privacy.
11. It has been suggested that a taller fence could be secured by a planning condition, but no height has been specified. I am also mindful that a taller fence so close to the highway edge would have potential implications on the street scene, both visually and spatially. Consequently, this is not a matter which can simply be left to a condition.

12. I therefore conclude that the development would not provide its occupants with suitable living conditions, with particular regard to privacy. Thus, I find conflict with UDP Policies BD5 and GP5 in so far as they are relevant to matters of residential amenity. It is also contrary to paragraph 130 f) of the Framework, which seeks a high standard of amenity for future users of development.

Conclusion

13. Although the proposal would bring with it some benefits in the form of providing a new home, it gives rise to significant conflict with the requirements of the development plan relating to character and appearance, and living conditions. As such, the proposal conflicts with the development plan as a whole. There are no material considerations, including the Framework, which indicate that a decision should be taken other than in accordance with the development plan. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR