



Appeal Decision

Site visit made on 15 June 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/W4705/C/22/3308991

Land at 453 Bowling Old Lane, Bradford, West Yorkshire BD5 8HL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mohammed Yaseen against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The enforcement notice was issued on 8 September 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey rear extension on the land, as shown in the attached photograph.
 - The requirements of the notice are a) demolish the single storey rear extension and remove all arising materials from the land, making good any damage caused to the dwelling, or b) carry out remedial works to the single storey rear extension, so that it matches the approved drawings for planning application reference 21/05609/HOU.
 - The period for compliance with the requirements is two calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended (the Act). Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Reasons

2. An appeal on ground (f) makes the claim that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
3. The appellant's claim under ground (f) is that while planning permission has been approved¹ for the single storey extension to have a pitched roof, instead of the unauthorised mono-pitch roof, this is not '*a reasonable pitch*' and a '*property further along the street has a similar roof*', i.e., 441 Bowling Old Lane. The latter is not relevant to the determination of an appeal made under ground (f) of s.177(5) of the Act. It is a matter that is relevant to the consideration of a deemed planning application made under ground (a) of s.177(5) of the Act. Such a ground of appeal is not pleaded by the appellant. I am therefore not able to consider the planning merits of the breach of planning control.

¹ Planning permission Ref 21/05609/HOU dated 22 December 2021

4. The appellant claims, as part of his final comments, that it would be '*difficult to get a decent slope because of the position of windows on the existing house*'. The onus is on the appellant to make his case under ground (f) and the above comment has not been reasonably substantiated from the point of view of explaining specifically why the pitch of the approved roof would be unacceptable. It is noteworthy that approved drawing 21230-1, dated November 2021, shows a pitched roof without interfering with first floor windows.
5. The purpose of the notice is to either remedy the breach of planning control by removing the unauthorised development from the land, or to remedy the harm caused to the amenity of the area by ensuring that the unauthorised development is altered so that it complies with the aforementioned planning permission. The appellant therefore has two options. These are not excessive requirements. I therefore conclude that the ground (f) appeal fails.

Conclusion

6. For the reasons given above, I consider that the appeal should not succeed.

D Hartley

INSPECTOR