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# Appeal Decision

Site visit made on 20 June 2023

**by T J Burnham BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 July 2023**

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**Appeal Ref: APP/W4705/W/23/3319634**

**19 Strathmore Road, Ilkley, Bradford LS29 8PQ**

- 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 Andy and Jackie Hopwood against the decision of City of Bradford Metropolitan District Council.
  - The application Ref 22/05329/FUL, dated 21 December 2022, was refused by notice dated 13 March 2023.
  - The development proposed is Construction of detached, 2-storey, dwelling to side of existing property.
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## Decision

1. The appeal is allowed. Planning permission is granted for the Construction of detached, 2-storey, dwelling to side of existing property at 19 Strathmore Road, Ilkley, Bradford LS29 8PQ in accordance with the terms of the application Ref 22/05329/FUL, dated 21 December 2022 subject to the conditions in the attached schedule.

## Procedural Matter

2. The description of the proposal in the banner heading above has been amended so that it omits wording that is not a description of development. I acknowledge that there has been an earlier approval on the site.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

4. The appeal site sits at the southern end of Strathmore Road, which is a residential cul-de-sac, on which land levels rise steadily from North to South. The Ilkley to Leeds Railway line runs closely to the south of the site, and a pedestrian access provides a link to Ben Rhydding Station.
5. The design includes a series of roof forms, changing eaves levels and a dormer window. Whilst simpler, the overall design language of Strathmore Road is mixed, incorporating semi detached two storey dwellings of mixed design along with bungalows. Within this context, the more modern design approach would not appear out of place.
6. The size of the dwelling relative to the plot would not be dissimilar to the properties on the rest of the street, which only appear to have modestly sized

gardens. The property would retain garden space to all elevations with its principal garden area likely to be to its east, in the same manner as properties immediately to the north.

7. The dwelling would not therefore be cramped on the plot and would maintain the existing balance between buildings, gardens, and landscaping on Strathmore Road.
8. Given the rising land levels, the ridgeline would sit above that on the neighbouring 19 Strathmore Road to the south, but that would not be unexpected given the rising land levels and this would represent a continuation of the relationship of the ridgelines on the eastern side of the street. The overall height would be comparable to 18 Strathmore Road to the west.
9. There would therefore be no adverse impact on the character and appearance of the area by reason of the design, massing, scale, positioning and plot coverage of the dwelling. There would subsequently be no conflict with policies DS1 and DS3 of the Bradford Core Strategy (2017) (BCS) which amongst other things require proposals that are informed by a good understanding of the site/area and its context as well as requiring proposals that are appropriate to their context in terms of layout, scale, density and details.
10. There would be no conflict with Policy INDP5 of the Ilkley Neighbourhood Development Plan (2022) which amongst other things requires schemes of a scale, mass and built form which respond to and reinforce the characteristics of the site and local context.
11. I am also advised that there would be conflict with the SPD<sup>1</sup>. No further detail is provided as to which parts of this large document the conflict would be with but having broadly considered it, I have not identified conflict with the SPD.

### **Other Matters**

12. The site is within the Zone of Influence for the South Pennine Moors Special Protection Area (SPA) & South Pennine Moors Special Area of Conservation (SAC) (Zone B/C).
13. The Council have confirmed that they have collected a financial contribution towards a mitigation scheme operating in the area. As a result, there would therefore be no conflict with Policy SC8 of the BCS which broadly seeks to protect the SPA/SAC.
14. There is no evidence that there would be any threat to highways or pedestrian safety as a result of the proposal. The same is the case in relation to flood risk, and conditions are included in this regard.
15. Given the window arrangement and the positioning of the proposal and other existing properties and gardens there is nothing to indicate that any significant adverse impact around loss of privacy would occur. I have also not identified any significant adverse impact with regard to daylight or overshadowing for the same reasons. The Council have confirmed they see no issues regarding the retaining wall and I have no reason to come to any other conclusion.

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<sup>1</sup> Homes and Neighbourhoods: A guide to designing in Bradford (2020).

## **Conditions**

16. Planning permission is granted subject to the standard three-year time limit. It is also necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. A condition relating to obscure glazing is necessary in the interests of the living conditions of neighbouring occupiers. Conditions 3 & 5-7 are necessary in the interests of the proper drainage of the site and in the interests of highway safety.

## **Planning Balance and Conclusion**

17. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be allowed.

*T J Burnham*

INSPECTOR

## **Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, (11)01, (12)01 J, (41)01 D, (22)02 G, (31)01 K & (22)01 H.
- 3) The development hereby permitted shall be drained using separate foul sewer and surface drainage systems.
- 4) The development hereby permitted shall not be occupied until the windows serving the bathrooms at first floor level within the north facing elevation have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 5) Before the development hereby permitted is occupied, the off-street car parking facility hereby approved, to include the shared parking surface area, shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site. The parking so formed shall be retained for parking use for the lifetime of the development.
- 6) No piped discharge of surface or foul water shall take place from the development until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the first occupation of the development.
- 7) The surface water drainage works shall not commence until the results of ground percolation tests and subsequent design details of the proposed

soakaways serving the development have been submitted to, and subsequently approved in writing by the Local Planning Authority. Percolation tests and soakaway design shall be conducted in accordance with Building Research Establishment Digest No 365. The development shall thereafter only proceed in strict accordance with the approved soakaway drainage details.