



Appeal Decision

Site visit made on 5 September 2023

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2023

Appeal Ref: APP/W4705/D/23/3327952

Baitus Salam, 82 Bingley Road, Bradford West Yorkshire BD9 6RT

- 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 Dr Abid Ahmad against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/02074/HOU, dated 12 June 2023, was refused by notice dated 7 August 2023.
 - The development proposed is a single storey conservatory in the front garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the site and surrounding area.

Reasons

3. The appeal property stands apart from other dwellings on the eastern side of Bingley Road. It is a large two-storey, detached dwelling of mostly stone and slate construction, set back from the road behind front boundary treatment formed by a low stone wall with decorative metal railings above and some evergreen plants behind. The front garden is mostly given over to hard surfacing, apart from a semi-circular area of grass where the proposed conservatory would be sited.
4. The conservatory would be hexagonal in form, measuring approximately 4.2 metres in width and 3 metres in height, with white upvc frames throughout and a polycarbonate roof.
5. Policies DS1 and DS3 of the Bradford Core Strategy Development Plan Document (2017) (the CS) seek achievement of good quality design and high quality places. Amongst other things, development proposals should be appropriate to their context in terms of layout, details, and materials, and display architectural quality.
6. Also relevant is the Council's adopted Householder Supplementary Planning Document 2012 (the SPD). Section 5 of the SPD deals specifically with conservatories and states that these should be located to the rear of a house or in a non-prominent position to the side. Rarely will conservatories be acceptable to the front. It further advises that if a conservatory has a dwarf wall/plinth this should normally match the walling material of the original

house, unless a more contemporary approach is proposed. Wood or powder coated aluminium frames are preferred to upvc. Given its role in supporting Policies DS1 and DS3 of the CS, and general consistency with the design aims of the National Planning Policy Framework (the Framework), I give significant weight to the SPD in this appeal.

7. Although the conservatory would be a modest structure relative to the size of the garden and house, its siting and materials would not comply with the SPD. Whilst the appellant refers to multiple white upvc conservatories in the locality, none of the examples I saw were similarly positioned as a free-standing structure within the front garden. Furthermore, its somewhat generic conservatory design and appearance would not, in my view, display sufficient architectural quality to justify a departure from the SPD.
8. At its current height, the front boundary vegetation could potentially screen the conservatory from Bingley Road. However, this screening effect could not be permanently relied on as the vegetation can be reduced in height at any time, or even be removed, with the effect that the structure would appear highly conspicuous in the street scene.
9. Overall, through its siting, design, and materials, the development would not make a suitably positive contribution to the appeal site and its surroundings. There is conflict with the SPD and the good design expectations of Policies DS1 and DS3 of the CS. It is also contrary to the Framework where it seeks to achieve well designed places and development which adds to the overall quality of the area.

Other Matters

10. In 2018 the Council granted consent to fell two protected conifer trees at the front of the site, subject to replacement planting (ref: 18/02018/TPO). The trees have been felled to stump height, but there is some dispute over whether the replacement planting has taken place. The appellant states that two replacement trees were planted as required, but one has since failed. However, I have no specific details of the type and location of planting. Nevertheless, as the appeal is being dismissed for other reasons, no harm would arise in relation to trees, whether existing or still to be planted. It is therefore not necessary to explore this matter any further, as it would not change the appeal outcome.
11. I have noted that there were no objections from neighbours. Even so, this is not justification for development which has been found to conflict with relevant planning policies and guidance.

Conclusion

12. For the reasons given above, the proposal conflicts with the relevant policies of the development plan, the Council's supplementary planning guidance, and the Framework. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR