



Appeal Decision

Site visit made on 8 November 2023

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/W4705/D/23/3326481

49 Kingsdale Crescent, Bradford BD2 4DR

- 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 Mazar Hussain against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/01605/HOU, dated 10 May 2023, was refused by notice dated 4 July 2023.
 - The development proposed is a platform and fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The platform and boundary fencing has been erected, which appears to be as shown on the plans before me. For the avoidance of doubt, I have determined the appeal based on the submitted plans, which also include glazed railings. I have not included the word 'retrospective' in the heading above, as this does not constitute a form of development.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of No. 51 Kingsdale Crescent, with particular regard to privacy and outlook.

Reasons

4. The site comprises a semi-detached bungalow with front dormer, in a residential area. The dwelling has a recently constructed single storey rear extension¹ alongside the boundary with No. 51 Kingsdale Crescent. This approval also allowed for an external flight of stairs leading straight out of the extension down to the garden area.
5. The proposal is for a platform flush with the internal floor level of the extension, with stairs positioned sideways alongside its rear wall. It is approximately 1.7m high from ground level, and sizeable in depth and width. Timber boundary fencing extends its length, which at 1.5m high is significantly above the previous part wall and part fencing along this boundary. A glass balustrade would curve round the remainder of the platform.
6. The proposal would allow for outdoor congregation for extended periods of time. It is at such a high floor level that it would enable very clear overlooking

¹ Reference 18/04298/HOU

into the large rear window of No. 51, and the full extent of its garden. I find this would cause significant harm to the privacy of the occupiers of that dwelling. This is a different situation to that consented, whereby there would only be fleeting glances across the boundary when moving up or down the stairs. Although the appellant suggests the fencing provides screening, it insufficiently screens views from a standing position.

7. Due to its height, the fencing also creates an overbearing and oppressive feature sited at close range to the window of No. 51. The outlook from this room is restricted to an unacceptable level, to the detriment of the living conditions of its occupiers.
8. I note that the Council has raised no issue regarding any impact on any other dwellings, and I see no reason to disagree.
9. In conclusion, the development would result in harm to the living conditions of the occupiers of No. 51 Kingsdale Crescent, with particular regard to privacy and outlook. This would conflict with Policy DS5 of the Bradford Core Strategy Development Plan Document (2017), which includes that development proposals should not harm the amenity of existing or prospective users and residents. It would also conflict with the Bradford Householder Supplementary Planning Document (2012), specifically Section 3 parts 10 and 11, whereby raised decking should not directly overlook the gardens or habitable room windows of neighbouring properties, and boundary treatments should not have an overbearing impact.

Other Matters

10. The appellant has invested in the property, which is a private benefit, and I find no issues with respect to visual amenity or access and egress from the site. However, the proposal does not positively enhance the local and wider area as they suggest, for the reasons as explained above.

Conclusion

11. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR