



Appeal Decision

Site visit made on 8 November 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/W4705/D/23/3326434

31 Bailey Hills Road, Bingley, Bradford BD16 2RJ

- 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 Marc Wright against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/01570/HOU, dated 3 May 2023, was refused by notice dated 26 June 2023.
 - The development proposed is a new drive to provide off-street car parking and new second floor dormer window.
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Decision

1. The appeal is dismissed insofar as it relates to the second floor dormer window. The appeal is allowed insofar as it relates to a new drive to provide off-street car parking, and planning permission is granted for a new drive to provide off-street car parking at 31 Bailey Hills Road, Bingley, Bradford, BD16 2RJ in accordance with the terms of the application, Ref 23/01570/HOU, dated 3 May 2023, and the plan submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, insofar as it relates to the new drive to provide off-street car parking only, shall be carried out in accordance with the following approved plan: 2001 Proposed Plans and Elevations.
 - 3) Notwithstanding condition 2, no development shall take place until details of the precise location and appearance of the new driveway access point and any gate have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the street scene, with particular regard to the preservation or enhancement of the Bingley Conservation Area (CA).

Reasons

3. The site comprises the end dwelling of a Victorian terrace, oblique to Bailey Hills Road. Its front garden is enclosed by a historic stone boundary wall alongside the road, with a longer terrace of dwellings opposite. The proposal is for a box dormer in the front roof plane, and to create parking spaces in the garden by widening the wall's pedestrian opening to become a new driveway.

4. The site lies within the Bingley CA, and so I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Policy EN3 of the Bradford Core Strategy Development Plan Document (CS) (2017) also requires conservation or enhancement of the heritage significance and setting of Bradford's heritage assets, especially those which contribute to the District's distinctive character. Section 16 of the National Planning Policy Framework ('the Framework') (2023) further requires great weight to be given to the conservation of designated heritage assets.
5. The significance of the CA is its historic market town core, its fine grained development pattern dictated by the watercourses, and the many original features retained of the vernacular architecture and traditional natural materials. Its topography also contributes to its sense of place. The site lies adjacent to the leafy cemetery which comprises the CA's northern end. Bailey Hills Road has a quiet Victorian suburb character, much influenced by the architecture, spatial relationship of the built form, gardens and vegetation, and boundaries. The stone built terraces present consistency and a well maintained traditional appearance. As such, the appeal site makes a positive contribution to the character of the CA.
6. The proposed dormer window would align with the windows below, would be of appropriate materials, and other dormers are present nearby and more generally within the CA. However, the overriding characteristic for the style and form of the terraces on Bailey Hills Road is of largely unbroken and prominent traditional slate roof slopes. The dormer would be relatively large in its extent up to the ridgeline, and positioned such that it would dominate the terrace's cohesive roof plane. As such, it would be incongruous and disrupt its continuity and balance, and so cause harm to the traditional character of the street and the wider CA area.
7. That some nearby properties already include contrasting more modern development, including front dormers, does not indicate that further departures should be encouraged. Furthermore, the circumstances of when or whether these dormers gained permission, has not been brought to my attention. The lack of objections to the proposal does not equate to a lack of harm.
8. The front garden is enclosed by a tall coursed stone wall capped with triangular copings. This wall makes a strong contribution as a visual feature to the character of the CA, providing continuity and enclosure to the street scene. The existing opening is a 1.54m wide lattice metalwork pedestrian gateway. The proposal is for the removal of a maximum of 1.45m adjacent, albeit this is not clearly identified on the plan.
9. I find an opening of this general scale would predominantly retain the importance of the sense of separation of the garden to the road. The location already benefits from a dropped kerb, suggesting that a previous vehicular access existed. The part for removal is set within approximately 9m of wall unoriginal to the property. Moreover, the new entranceway would broadly replicate that on the adjacent property to the north, which I do not find incongruous in the CA.
10. The new driveway's detailed appearance is not specified, which could be addressed via a condition. A solid gate would maintain enclosure and mask views of the parked cars behind, but railings would be more in keeping with all

the surrounding wall openings. I find that in any case, any views through of parked cars would not be so untoward in the streetscene or overwhelm the remaining extent of landscaped garden, so as to cause harm.

11. Overall, the proposed driveway would be acceptable and would not cause harm to the CA. However, this lack of harm does not outweigh my findings in respect of the proposed dormer, which would cause harm to the character and appearance of the street scene, with particular regard to the lack of preservation of the Bingley CA. The proposal as a whole would therefore lead to less than substantial harm to the significance of the CA as a designated heritage asset. I give great weight to this harm, as advised by the Framework paragraph 199. The proposal would conflict with the CS Policy EN3, and the Framework paragraph 130 which sets the need to achieve well-designed places, and Section 16 on conserving and enhancing the historic environment.

Other Matters

12. The proposal overall would provide a minor public benefit in reducing on-street parking pressure. Although the dormer would maximise the internal space for existing and future occupiers, this would only be a private benefit. The proposal would not harm biodiversity or habitats, but this is not in itself a benefit.

Conditions

13. I have attached the statutory condition to limit the lifespan of the planning permission, and one to specify the approved plan, to provide clarity for the terms of the permission. I have required the submission of further details of the size and appearance of the new driveway access point and gate, in the interests of the character and appearance of the CA.

Conclusion

14. Although I find there would be no harm from the new driveway, the dormer window would cause harm to the character of the street scene and the CA, which would lead to less than substantial harm to the significance of a designated heritage asset. Paragraph 202 of the Framework identifies that less than substantial harm should be weighed against the public benefits of the proposal. I give minor weight to the minor public benefit of the reduction of on-street parking pressure, but this would not outweigh the great weight I give to the less than substantial harm to the CA.
15. In conclusion therefore, the dormer window part of the scheme conflicts with the development plan as a whole. However, the driveway would be clearly severable from it, both physically and functionally. With no other material considerations indicating otherwise, for the reasons given above I conclude that the appeal should be allowed insofar as it relates to the new driveway to provide off-street car parking, but dismissed insofar as it relates to the second floor dormer window.

L N Hughes

INSPECTOR