



Appeal Decision

Site visit made on 21 November 2023

By N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2023

Appeal Ref: APP/W4705/D/23/3328544

34 Moor Close Lane, Queensbury, Bradford BD13 2BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Aman Mahroof against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/01860/HOU, dated 25 May 2023, was refused by notice dated 20 July 2023.
 - The development proposed is described as, *'two linked garden rooms'*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development has already been completed albeit the internal fit and I have assessed the appeal accordingly.
3. The development comprises an outbuilding which is located partly within the rear garden area serving No 34 Moor Close Lane (No 34) and partly within the rear garden area serving No 74 Moor Close Road (No 74) which is located to the southeast. It is effectively two garden rooms across two boundaries used as a single linked structure by both properties which are understood to be owned by members of the same family. Given the nature and location of the outbuilding across two boundaries, it forms two separate applications and thus two separate appeals which have both been assessed in tandem. This appeal is therefore in relation to No 34 with the appeal relating to No 74 traveling separately.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property, neighbouring properties, and the surrounding area.

Reasons

5. The appeal relates to an outbuilding located within a residential setting to the rear of an existing large, detached property. The rear garden area of the host property backs onto Stonehouse Drive which is located to the east including properties along this road. The property and garden sit at a higher level to Stonehouse Drive given the topography of the land and is separated by a tall fence.
6. The outbuilding is accessed from the host property but is located to the rear of the garden area with the rear elevation abutting the fence. It is a sizable and

lengthy building serving both No 34 and the nearby dwelling of No 74 located to the southeast.

7. Due to the site's location adjacent Stonehouse Drive and its positioning and level difference, a large proportion of the building's rear elevation is highly visible when viewed from both Moor Close Road and Stonehouse Drive. The alignment of the road does very little to alter its overall visibility. The outbuilding is single storey but covers a lengthy distance along the boundary with Stonehouse Drive. Given the level difference that exists onsite, its height is lower to the elevation fronting the garden area but increases rather excessively to the rear when viewed from Stonehouse Drive as the land slopes downwards towards the boundary.
8. As a result of its overall siting at a higher level along the boundary with Stonehouse Drive and its overall scale, volume, and length, the development appears as a highly dominant addition to the street scene at odds with the overall character and appearance of other nearby properties. The small number of trees and shrubs in the boundary of No 74 and the garage to the northern end associated with another nearby property does very little to screen the development as its rear elevation is still highly visible and I note the lack of room to the rear of the outbuilding for planting to help screen the structure.
9. There are limited views of the property itself (No 34) from Stonehouse Drive and I note comments made regarding the size of the property, garden area and separation distance from the host property. However, the building still appears obtrusive and out of place in comparison to other neighbouring properties which it is read alongside including No 74, as well as the wider street scene.
10. There is no physical boundary within the rear garden area serving the appeal property and No 74 and as set out above, the two properties are owned by members of the same family and thus used by different members of the families. However, this would not alter my findings in relation to the above main issue. New fencing to the boundary and any improvements made in this respect would also not alter my findings as the outbuilding is simply too big in this specific location.
11. For the above reasons, I conclude that the development unacceptably harms the character and appearance of the neighbouring properties and the surrounding area. Whilst its effect on the host property No 34 is of lesser concern as set out above, this is a neutral factor in my overall decision and does not overcome the harm identified. The development is therefore contrary to Policies SC9, DS1 and DS3 of the City of Bradford Core Strategy Development Plan Document, 2017 which together, amongst other matters, explain that development proposals should contribute to creating high quality places, and attractive, cohesive sustainable settlements. For the same reasons, it is also contrary to the City of Bradford Householder Supplementary Planning Document.

Other Matters

12. There may be no adverse impact on a number of nearby properties in relation to outlook given their overall relationship and orientation to the appeal site. However, this is a neutral factor in my overall decision as is a lack of harm in relation to the principle of development, choice of materials, natural environment, heritage, other residential amenity matters and highway safety.

13. I have also had regard to comments made regarding permitted development rights and acknowledge attempts to comply with the requirements. I also acknowledge claims that a slightly different siting could have achieved compliance as well as noting claims that the current scheme is more preferable to what could perhaps be built under permitted development rights. I am however considering the scheme that is in front of me opposed to any other scheme and I have identified the harm that would arise. Moreover, I have very limited detail in order to decide whether reliance could be placed on such permitted development rights as a fall-back. Based on the evidence in front of me and my own observations onsite, I am not convinced that a different scheme would be more harmful or that there is any reasonable likelihood for this to occur. Such matters as well as previous communications with the Council has not therefore affected my findings on the main issue.

Conclusion

14. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR