



# Appeal Decision

Site visit made on 23 April 2024

by **M Ollerenshaw BSc (Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7<sup>th</sup> May 2024

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**Appeal Ref: APP/W4705/W/24/3338446**

**2/2a New Hey Road, Bradford BD4 7HY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Al-Ghani Limited against the decision of City of Bradford Metropolitan District Council.
  - The application Ref is 23/04311/FUL.
  - The development proposed is described on the application form as 'change of use from existing takeaway (sui generis) and barbers (class E(c)) to pharmacy (class E(e)) with additional first floor & external alterations'.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area; and the effect on the living conditions of the neighbouring occupiers on New Hey Road and Coventry Street, with particular regard to light and outlook.

## Reasons

### *Character and appearance*

3. The appeal property is a single storey structure which contains two commercial units, a takeaway and a barbers. It is located to the north of New Hey Road and to the west of a busy junction of Wakefield Road (the A650). The appeal property has an irregular footprint with a flat roof above the entire building. Access to the site is obtained via a road to the side of 4 New Hey Road, which is used as a beauty parlour. There is a small car park to the front of the site with a landscaping strip beyond.
4. The surrounding area consists predominantly of terraced housing in and around New Hey Road with a variety of commercial, industrial and other non-residential uses on Wakefield Road, including two churches and a doctor's surgery close to the junction. Therefore, the area has a mixed character with considerable variation in the styles and sizes of buildings. That said, the immediate context of the appeal site is that of two storey terraced housing of traditional form and materials.
5. The proposed scheme is for a change of use to a pharmacy with a first floor extension above which would span the entire footprint of the existing building. The extension would be a substantial addition and be clearly visible from both New Hey Road and Wakefield Road. It would feature a gabled pitched roof and

splayed corners due to the building's irregular footprint, with its width being greater at the front than the rear. The gable would sit slightly below the gable end of No 4 and be in line with that property. Large window openings and two doors would be formed in the front elevation. Other than a small WC window to the north side, the remaining elevations would consist of blank walls.

6. The splayed design of the building is not characteristic of the existing traditional terraced properties nearby and would contribute towards a form of development that would appear contrived and awkward. Whilst this splayed design would not be prominent from New Hey Road or Wakefield Road, it would be clearly visible from the adjacent footpath and access road to the side of the building and from neighbouring properties.
7. While the new gable would not be dissimilar to the gable of No 4, the positioning of the new window openings to one side, rather than in the centre of the front elevation, would give the extended building an unbalanced appearance. Although I understand the design rationale for minimising new window openings to the side and rear elevations, this lack of openings means that there would be little to break up the massing of these elevations and would exacerbate the stark appearance of the development. Overall, I find that the proposed extension would be incongruous, particularly when viewed in the context of the traditional terraced properties nearby.
8. A further concern raised by the Council relates to the provision of roller shutters, which are not detailed on the submitted drawings. The appellant has confirmed that roller shutters would be required for security reasons. I am satisfied that an appropriate design for these would be achievable and could have been secured by condition had I been minded to allow the appeal.
9. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. Accordingly, it would conflict with Policies DS1 and DS3 of the Local Plan for Bradford District: Core Strategy Development Plan Document (2017) (CS), which seek, amongst other things, to ensure that development achieves good design and contributes to the character of the area.

#### *Living conditions*

10. The Council has not objected to the effect of the proposed change of use on the neighbouring occupiers and I agree with that approach based on the evidence before me and my observations at the site. Therefore, the dispute between the parties relates to the impact of the proposed first floor extension.
11. To the rear of the site there is a terraced row of houses on Coventry Street. A stepped footpath and a rear access road separate the rear gardens of these properties from the side of the appeal property, which is positioned on notably higher ground than the neighbouring properties. The rear elevations of 11, 13 and 15 Coventry Street face towards the appeal property.
12. A section drawing submitted by the appellant indicates that the proposed extension would not infringe on a 25 degree line drawn from the centre of the rear ground floor windows of the properties on Coventry Street. That suggests that there would not be harmful loss of light to the rear windows. However, the substantial increase in the height of the existing structure and the change in levels means that these neighbours would face a large expanse of walling,

particularly in the case of Nos 11, 13 and 15. The proposal would be likely to appear over dominant and oppressive when viewed from these neighbours' windows and rear gardens and be unacceptably harmful to their outlook.

13. Adjacent to the western boundary of the site is the rear garden of 6 New Hey Road with further rear gardens of the terrace beyond. No 6 has ground and first floor windows to the rear elevation which are adjacent to the site. I have no reason to doubt the Council's assertion that these windows do not serve habitable rooms. Nevertheless, given the proximity of the proposal and its substantial height, the extension would be a dominant feature and have an overshadowing effect on the neighbour's rear garden and those further along the row to a lesser degree.
14. The appeal building is situated directly to the rear of No 4. The ground floor windows to the rear elevation of No 4 have been blocked up, however there are two first floor windows to the rear. As these windows look over the top of the roof of the appeal building, they currently enjoy a relatively open aspect. The section drawing shows that the extension would not project above the 25 degree angle from these windows, which indicates that there would not be significant loss of light to these spaces. However, due to the scale and height of the extension, and its siting adjacent to the rear elevation of No 4, I consider that there would be a harmful effect on the windows in terms of loss of outlook. As these windows appear to serve the business premises rather than living space, this matter is of lesser concern than the effect on the neighbouring residential occupiers.
15. I conclude that the proposed development would be harmful to the living conditions of the neighbouring occupiers on New Hey Road and Coventry Street, with particular regard to light and outlook. Thus, it would conflict with Policy DS5 of the CS, which seeks to avoid harm to the amenity of existing and prospective users and residents.

### **Other Matters**

16. I note the range of other concerns raised by interested parties, including those relating to traffic congestion, parking and anti-social behaviour. As I am dismissing the appeal for other reasons there is no need for me to consider these matters further.

### **Planning Balance and Conclusion**

17. For the reasons set out above, I find that the appeal proposal would adversely affect the living conditions of the neighbouring occupiers and the character and appearance of the area. These matters weigh significantly against the proposal.
18. The development would offer social and economic benefits in terms of providing a new pharmacy facility in an accessible location. However, on the basis of the evidence before me, I am not convinced that the appeal scheme is the only means of providing this facility or that there are no less harmful options available. As a result, I attach only moderate positive weight to this matter. The proposal would also make efficient use of the site and employment opportunities would be created during the construction phase. Given the modest scale of the development, the weight attributable to these matters is limited. Even taken together these benefits are insufficient to outweigh the harm that I have identified above.

19. The proposal does not accord with the development plan as a whole and there are no material considerations that indicate that I should take a different decision other than in accordance with the development plan. For the reasons given, I conclude that the appeal should be dismissed.

*M Offerenshaw*

INSPECTOR