



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: 7th May 2024

Appeal Ref: APP/W4705/W/24/3338437

21 Cloverville Approach, Bradford BD6 1ET

- 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 Mr Stuart Davies against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 23/03536/FUL.
 - The development proposed is extension of garden onto unused embankment and construction of a decked platform.
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Decision

1. The appeal is allowed and planning permission is granted for extension of garden onto unused embankment and construction of a decked platform at 21 Cloverville Approach, Bradford BD6 1ET in accordance with the terms of the application, Ref 23/03536/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A101 Existing and Proposed Elevations and A102 Existing and Proposed Plans.
 - 3) Prior to any above ground works a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall include planting plans, written specifications, schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate, together with a timetable for implementation.
 - 4) All planting or seeding comprised in the approved details of landscaping shall be carried out in accordance with the agreed implementation timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Preliminary Matter

2. The revised National Planning Policy Framework was published in December 2023. I do not consider in this case that this raises any matters that require me to seek any further representations from the parties and I am satisfied that no interests have been prejudiced in this regard.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises part of the steep embankment between the rear garden of 21 Cloverville Approach and the public footway on Netherlands Avenue. The appeal property has an existing area of rear decking bounded by a timber fence set above concrete panels. A stepped public footway connecting Cloverville Approach and Netherlands Avenue adjoins the western boundary of the site.
5. Properties on this side of Cloverville Approach back onto the embankment and their rear gardens are raised above it. The embankment contains trees and shrubs and has a somewhat overgrown appearance. Nevertheless, in combination with the grass verges and trees lining Netherlands Avenue, it creates a verdant setting which positively contributes to the character and appearance of the area and the embankment vegetation screens the rear boundary fences on Cloverville Approach. In contrast, that part of the embankment within the appeal site has been cleared of vegetation exposing the fence and concrete panels to the rear of the appeal property when viewed from Netherlands Avenue.
6. The appeal proposal is for a new timber decked platform which would extend over the embankment from the rear of the existing decking by around 3m. It would step down from the existing decking by 880mm with a new 1.8m high close boarded fence and be supported by a steel frame.
7. The proposed use of close boarded fencing is appropriate as this is a common characteristic of the rear gardens of properties on Cloverville Approach. While the new structure would be elevated relative to Netherlands Avenue and encroach further on the embankment than the neighbouring gardens, the drawings show that it would be set behind a substantial conifer hedge. The siting of the new platform at a lower level than the existing decking, together with it being set in from the sides of the site and back from the pavement, would reduce its scale and prominence.
8. Although the Council is concerned that the new fencing would be apparent when the new planting is not in leaf, once it has become established the conifers would be likely to provide a good level of screening all year round. With this planting in place, together with the existing vegetation on the embankment to the sides of the site, the proposal would either be hidden or only partially visible from Netherlands Avenue, which I do not consider would be harmful. The conifers would also screen the proposal from the footway linking Cloverville Approach to Netherlands Avenue. Therefore, subject to the proposed planting screen, the details of which can be secured by condition, I consider that the proposal would not be an incongruous or dominant feature and would maintain the verdant character of the area.
9. For the above reasons, I conclude that the proposal would not be harmful to the character and appearance of the area. Accordingly, it would comply with Policies DS1 and DS3 of the Local Plan for Bradford District: Core Strategy Development Plan Document (2017) and the Council's Householder

Supplementary Planning Document, which seek, amongst other things, to ensure that development achieves good design and contributes to the character of the area.

Other Matters

10. I note the other concerns raised by the interested party. However, there is no substantive evidence before me to suggest that the proposal would result in subsidence and the Council raised no objections to the proposal in this respect. Matters relating to the structural integrity of the proposal are outside the scope of this appeal and would be controlled by separate legislation.

Conditions

11. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of the character and appearance of the area, it is necessary to include conditions relating to a scheme of landscaping and subsequent implementation.

Conclusion

12. For the above reasons, and subject to the conditions specified, I conclude that the appeal should be allowed.

M Ollerenshaw

INSPECTOR