

# Appeal Decision

Site visit made on 19 September 2024

**by A Caines BSc (Hons) MSc TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>TH</sup> September 2024**

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**Appeal Ref: APP/W4705/W/24/3346749**

**2 Whitehead Place, Bradford BD2 3NB**

- 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 Waqas Ahmed against the decision of City of Bradford Metropolitan District Council.
  - The application Ref is 24/00750/FUL.
  - The development proposed is described as "new build of a double story detached property. The proposal offers garden space to the front and a driveway for 1 car space at the rear of the property."
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - The effect of the development on the character and appearance of the surrounding area;
  - The effect of the development on the living conditions of the occupants of 2 & 4 Whitehead Place with regards to outlook, light, and garden space;
  - Whether the development would provide its occupants with satisfactory living conditions with regards to internal space;
  - Whether the development makes suitable provision for parking.

## Reasons

### *Character and appearance*

3. The appeal site is located at the corner of Fagley Road and Whitehead Place. The area is characterised predominantly by traditional terraced housing, although immediately to the north is a pair of traditional semi-detached houses (2 & 4 Whitehead Place). The land has the appearance of a garden, which, from my observations, seems to belong to 2 Whitehead Place. The proposal involves the erection of a two-storey detached house, fronting onto Fagley Road.
4. I note that the height of the proposal has been reduced following a previous refusal for a larger 4-bed dwelling. However, the eaves line of the proposed

dwelling would now be considerably lower than the neighbouring properties, and it would also have a much shallower roof pitch. This would cause the building to appear uncomfortably squat and inconsistent in scale and design to the surrounding development. Consequently, the proposed dwelling would appear incongruous in its context and would not contribute positively to the street scene in this location.

5. I therefore conclude that the development would unacceptably harm the character and appearance of the surrounding area. This is contrary to Policies DS1 and DS3 of the Bradford Core Strategy 2017 (the CS). Together, these policies seek development that is appropriate to the local context and which contributes to the character of the area. It is also contrary to paragraph 135 of the National Planning Policy Framework (Framework) where it seeks developments that are sympathetic to local character and add to the overall quality of the area.

#### *Living conditions of neighbours*

6. The proposed dwelling would be located approximately 4 metres from the south facing windows of 2 & 4 Whitehead Place, which are the main source of light and outlook for those properties. Due to its height and the close separation distances involved, the proposed dwelling would appear inescapably dominant and overbearing in the outlook from No 2, and would further increase the sense of enclosure for No 4. In addition, given its location to the south it is likely that there would be shadowing of those neighbouring windows and the garden of No 4 for much of the day.
7. The appellant claims that the occupants of 2 Whitehead Place do not currently have full use of the site as their garden. Even if that is the case, the open paved area in front of the house is clearly used to access the property and is commensurate in size to other garden spaces in the area. As such, it is likely to provide some amenity value for the occupants and is where the refuse and recycling bins are stored. The development would result in a substantial reduction of this space, leaving only a narrow enclosed passageway that would provide little value or function other than for access. This would further detract from the quality of the living environment for the occupants of 2 Whitehead Place.
8. I therefore conclude that the development would unacceptably harm the living conditions of the occupants of 2 & 4 Whitehead Place with regards to outlook, light, and a lack of garden space for No 2. This is contrary to Policy DS5 of the CS where it seeks to protect the amenity of existing residents. It is also contrary to Policy HO9 of the CS and the Homes and Neighbourhoods: A Guide to Designing in Bradford Supplementary Planning Document 2020 (the SPD) where they require all homes to have direct access to outdoor space and adequate storage for bins, recycling, and cycles. There is further conflict with paragraph 135 of the Framework where it expects development to provide a high standard of amenity for existing and future users.

#### *Internal space standards/living conditions*

9. Policy HO9 of the CS requires new homes to provide suitable space standards appropriate to the type of home so that new homes are flexible,

adaptable, and fit for living. The SPD explains that this will be assessed using the Nationally Described Space Standards (NDSS).

10. Under the NDSS, a two-storey dwelling with two or more bedspaces must have at least one double (or twin) bedroom and a minimum gross internal floor area (GIA) of 70m<sup>2</sup>. A double/twin bedroom is defined as having a floor area of at least 11.5m<sup>2</sup>. These are minimum figures, which developers are encouraged to exceed.
11. The drawings show that the proposed two-storey dwelling would have two single bedrooms and a GIA of approximately 63m<sup>2</sup>, which is significantly undersized. As a consequence, the occupants of the dwelling would experience cramped living conditions due to a lack of internal space.
12. I therefore conclude that the development would result in substandard living conditions for its occupants with regards to internal space, and so, is contrary to Policy HO9 of the CS and the SPD in this regard. It is also contrary to paragraph 135 of the Framework which expects a good standard of amenity for existing and future residents and users of buildings.

#### *Parking*

13. The development would provide one off-street parking space for the proposed dwelling, in line with the Council's parking standards. Further, as there are no existing off-street parking spaces within the site, no displacement of parking would occur from 2 Whitehead Place. As such, the development would not result in an increase in on-street parking in the area.
14. I therefore conclude that the development would make suitable provision for parking, and so, complies with the parking provision and management aims of Policies DS4 and TR2 of the CS.

#### **Planning Balance and Conclusion**

15. The proposal would provide a new dwelling in a context where it appears that the Council has a significant shortfall in its housing land supply. It would also make efficient use of land in a reasonably accessible urban location. However, the scale of benefits arising from one dwelling would be small.
16. On the other hand, it would give rise to significant harm in relation to character and appearance, and living conditions. These adverse effects would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11 of the Framework.
17. The proposal conflicts with the development plan taken as a whole. There are no material considerations, including the Framework, that outweigh the identified harm and conflict with the development plan. Therefore, the appeal should be dismissed.

*A Caines*

INSPECTOR