

Appeal Decision

Site visit made on 30 September 2024

by D Hartley BA (Hons), MTP, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th OCTOBER 2024

Appeal Ref: APP/W4705/C/24/3343592

439-441 Otley Road, Bradford, BD2 4QF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Shamas Khan against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The notice was issued on 19 March 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of timber cladding to the south-east facing (front) elevation of the building on the land.
 - The requirements of the notice are to remove the unauthorised cladding from the south-east facing (front) elevation of the building on the land.
 - The period for compliance with the requirement is two calendar months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. The Government consulted on reforms to the National Planning Policy Framework 2023 (the Framework) on 30 July 2024 (Consultation Draft Framework). The consultation closed on 24 September 2024. I afford the Consultation Draft Framework limited weight in decision making terms as a material planning consideration. Considering the deemed planning application main issue below, there are no proposed reforms in the Consultation Draft Framework which have a material bearing on how this appeal should be considered. In this regard, it has not been necessary for me to seek comments from the main parties in respect of the Consultation Draft Framework.

Main Issue

3. An appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the notice and the main

issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property is a hot food take-away. It is semi-detached and close to a road intersection with Idle Road. In this mixed commercial and residential area, there are many traditional buildings with natural stone walls. There is generally a simplicity and consistency to the design of the traditional buildings. Such properties add positively and distinctively to the character and appearance of the area. While there are some exceptions, several of the commercial properties still retain traditional shop fronts with wooden stallrisers and pilasters. These shop fronts appear subordinate in scale when experienced against the natural stone walls of the traditional properties.
5. The evidence indicates that the shop front to the appeal property has changed over the years. In 2008, it had a traditional red coloured shop front which was subordinate in scale, and which exposed some stonework at ground floor level. While the shop front appears to have changed in recent years, there is no evidence that these changes are immune from enforcement action. It is also noteworthy that the appellant has not submitted a ground (d) appeal in respect of the breach of planning control.
6. The appeal relates to the installation of timber cladding to the front elevation of the appeal property. It is a yellow colour and occupies the full width of the building and up to first floor windowsill level. Owing to its harsh colour, design, and extent, I find that the development has caused harm to the way that the building is appreciated in the street-scene. The cladding dominates the frontage of the appeal building and has an uncharacteristic horizontal boarding appearance. It departs unacceptably from the pleasing simplicity of the original building where a significant proportion of the natural stone frontage wall could be experienced by passers-by. I acknowledge that the appellant has opted for a yellow colour for corporate branding purposes, but this draws even more attention to the cladding which, for the reasons outlined, appears incongruous in its surrounding setting.
7. The appellant has pointed out that there are examples of cladding in the area such as at 368 Leeds Road (Woody Joe's) and 375 Leeds Road (Howdy). These sites are more than a mile away from the appeal site and are not therefore seen in the same environmental context as the appeal site. The existence of these shop fronts does not therefore alter or outweigh my conclusion that the breach of planning control has caused harm to the character and appearance of the building and to the immediate locality.
8. I therefore conclude that the breach of planning control does not accord with the design, character, and appearance requirements of policies DS1 and DS3 of the Council's adopted Core Strategy 2017, and paragraph 135 of the National Planning Policy Framework. I conclude that the development does not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the ground (a) appeal fails.

Conclusion

9. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

D Hartley

INSPECTOR