



Appeal Decision

Site visit made on 22 October 2024 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal Ref: APP/W4705/D/24/3348440

20 Belmont Gardens, Low Moor, Bradford BD12 0HJ

- 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 A Khan against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref is 24/01237/HOU.
 - The development proposed is described as 'Retaining wall – retrospective'
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description above is taken from the application form. It differs from the decision notice that refers to a raised platform to the side and rear. However, this has not changed anything fundamental nor prejudiced the ability of any party to make their case in respect of the appeal scheme. I have taken into account all that the appeal scheme comprises. I noticed at my site visit that the development constructed appears to be larger than that shown on the submitted plans, but these are those which were considered by the Council, and I have therefore recommended a decision based thereon. I have accordingly referred to the appeal scheme as the proposed development. I have also taken the appeal site address from the appeal form since the application form is incomplete in these regard.

Main Issue

4. The main issues are the effect of the proposed development on a) the living conditions of the occupiers of No 18 Belmont Gardens with specific regard to outlook and privacy; and b) the character and appearance of the area.

Reasons for the Recommendation

Living Conditions

5. The appeal site is a semi-detached dwelling at the end of a residential cul-de-sac with other properties to each side. Land rises towards the property and the dwelling is therefore set higher than Number 18 Belmont Gardens (No. 18).

Both properties benefit from good sized gardens to the rear that are separated by fencing.

6. The proposal would introduce a wall very close to the boundary fencing with No. 18. The wall would be featureless and extend above it. The somewhat looming effect of the height, proximity and run of the wall would appear overbearing to users of the rear garden of No.18. Its scale and plainness would make the experience of the garden oppressive and garner a strong sense of enclosure, detrimentally affecting the outlook therefrom. Given that the retaining wall is part of the support for a raised platform, users thereof would be able to see clearly and directly into the majority of the rear garden of No.18 due to its considerable height above the lower neighbouring garden. This would create an unacceptable loss of privacy for users.
7. There is some vegetation between the proposed wall and the garden to No. 18 but it is unclear as to whether this is in the control of the appellant. In any case, it is sporadic and would not be sufficient to alleviate my concerns in regard to this main issue. The proposal would thus cause harm to the living conditions of the occupants of No.18 and, resultantly, be contrary to Policy DS5 of the Core Strategy Development Plan Document 2017 (CS) which is concerned with development protecting residential amenity amongst other things.

Character and Appearance

8. The property is set at the end of a residential cul-de-sac where the rear garden cannot be easily seen from the roadside. Rear gardens are in line with one another and the land levels slope away from the dwellings. Boundary treatments are gradually stepped down in line with the land levels. The gardens of the closest properties to the appeal site are separated by low level fences and some small shrubs and trees. This all contributes to a pleasant consistency to the character and appearance of the area.
9. The tall height and blank façade of the wall would be substantially higher than the boundary treatments and single outbuildings within the closest gardens and would therefore appear bulky and incongruous. The inconsistent development would be further exacerbated by the length that it would extend out making it clearly visible from the rear gardens of the surrounding properties. The scale of the proposal would be an intrusive addition at odds with the existing land levels and consistent form of the gardens. The fact that the appeal scheme would sit to the rear of the dwelling would not lessen the harm I have found given its visibility from surrounding gardens.
10. The proposal would therefore cause harm to the character and appearance of the surrounding area and would be contrary to Policies DS1 and DS3 of the CS which are concerned with development being appropriate to its context amongst other things. The Council have also referred to Policy DS4, but this is concerned more with streets and movement and is thus not directly relevant to the main issues.

Other Matters

11. The erection of trellis or climbing plants on the wall of the raised platform that would face No. 18 could soften the effect of its blankness. However, the considerable size of the development would still be overbearing. It would also

not resolve the harm caused in relation to loss of privacy. The erection of similar or opaque screening glass to the top of the scheme as it would face No. 18 could alleviate the potential for any overlooking. However, this would increase the height of the development overall and thus exacerbate the overbearing and incongruous nature of the proposal. Conditions to these effects would not therefore satisfactorily address the harms that would arise from the proposals.

Conclusion and Recommendation

12. For the reasons given above, the appeal scheme would conflict with the development plan and there are no sufficiently weighty material considerations to indicate a decision other than in accordance therewith. I therefore recommend that the appeal should be dismissed.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR