



Appeal Decision

Site visit made on 17 September 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2024

Appeal Ref: APP/W4705/W/24/3345853

5 Medway, Queensbury, Bradford BD13 2RQ

- 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 T Wright against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 23/02787/FUL.
 - The development proposed is construction of one bed bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policy D5 of the Local Plan for the Bradford District Core Strategy Development Plan Document (2017) (the CS) is referenced in the first reason for refusal. However, the Council has advised that this is a typographical error and that the correct reference is Policy DS5 of the CS. The appellant is aware of this and neither party would be prejudiced if I determine the appeal on that basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - Whether the development would provide adequate living conditions for future residents with particular reference to space standards, amenity space provision, outlook and daylight.

Reasons

Character and Appearance

4. The appeal site comprises 5 Medway, a two-storey, semi-detached dwelling and its garden. The rear garden slopes gently downwards and backs onto the rear garden of a two-storey dwelling located on Ridgeway which runs parallel to Medway. There is an existing conservatory to the rear of the dwelling and a single storey garage is located at the end of the garden. Access to the garage is along the side of No 5 through a tarmacked amenity area associated with the retail units and flats which front onto Brookhouse Road.
5. No 5 is part stone and part rendered with a hipped roof. To the front elevation there is a canopy feature, which runs over the front door and bay window and

matches the adjoining property. These features are replicated on a number of dwellings along the street. Although some properties along the street do not have these features, they still maintain the same fenestration proportions, which provides a consistent appearance to the street scene.

6. The surrounding area is generally characterised by evenly spaced pairs of semi-detached dwellings, which follow a regular pattern, with similar sized rear and front gardens and building plot sizes, which gives the surrounding area a uniform appearance.
7. The proposed dwelling would be located in the rear garden of No 5 and face onto the amenity area located to the rear of the retail units on Brookhouse Road. It would therefore be at odds with the existing street pattern, where properties face onto the street and have gardens to the rear. The dwelling would be built right up to the boundaries of neighbouring properties on two sides.
8. Despite being single storey the bulk of the dwelling would appear overly dominant in comparison to the plot size and would not reflect the regular, spacious layout of the streetscape. In addition, it would result in the sub-division of the garden area which would erode the uniform, even spaced pattern of dwellings and rear gardens. The reduction in the size of the garden of No 5 and the proximity of the proposed dwelling would harm the character and appearance of the surrounding area.
9. The dwelling would be single storey and would have a gable fronted pitched roof. It would have a large window and glazed front door on the front elevation which would sit to one side of the property. The design and proportions of the windows in relation to the front elevation would have an inharmonious appearance when viewed against the well-balanced proportionate fenestration details of neighbouring properties.
10. Although I note that the appellant has suggested that fenestration and materials could be dealt with by condition, this would not overcome the harm I have identified in relation to the bulk, orientation and layout of the proposal. Although the dwelling would replace an existing garage as it is located within a residential garden it is not considered as previously developed land in the National Planning Policy Framework (the Framework) (2023).
11. A lawful development certificate has been granted for the proposed erection of a detached garage with flat roof, on the same footprint as the proposed dwelling, and therefore there is a potential 'fallback' position. Although the scale of this building is similar, given that it relates to an ancillary building to the host property, it would not have all the paraphernalia associated with domestic use such as a separate outdoor space and refuse storage. Therefore, the fallback position is a different scheme that in my judgement would be less harmful than the appeal proposal.
12. The proposal would harm the character and appearance of the surrounding area and therefore would conflict with policies DS1, DS3 and DS5 of the CS and A Guide to Designing in Bradford Supplementary Planning Document (2020), which seek amongst other things to achieve good design and high quality places which create a strong sense of place appropriate to their context in terms of layout, scale, density, details and materials.

Living Conditions

13. The overall floorspace of the proposed dwelling would meet the requirement of 39sqm for a one bedroom, 1-person bungalow as set out in the Nationally Described Space Standards. In addition, in order to meet the requirement for the provision of 2 bed spaces, the floor area should be 11.5sqm. I therefore conclude that the proposal would provide appropriate space standards for the use of a dwelling by a single occupier.
14. Part E of Policy HO9 of the CS requires new homes to be well laid out internally and provide suitable space standards appropriate to the type of home and should receive adequate levels of daylight. The dwelling would have a large, non-opening window on the front elevation and two smaller windows on the side elevation overlooking the proposed parking and garden area.
15. The bungalow would have an open plan lounge, diner and kitchen area. This would receive light from the glazed window and entrance door. However, as a result of the internal layout, the roof overhang and orientation of the building, the lounge area would receive limited amounts of daylight. The bedroom would be served by a single window overlooking the garden area. The limited size of the window and that it would face north would again restrict the amount of light to the bedroom. Therefore, there would be limited natural daylight to the lounge area and bedroom, making them gloomy, which would harm the living conditions of future residents in relation to daylight.
16. Although the appellant has said that the internal arrangements and window sizes could be changed, I do not have any details before me and therefore cannot be certain that the proposals would adequately address this harm.
17. In terms of the outlook, this would be acceptable from the bedroom window. With regards to the main lounge and kitchen area there may be more limited outlook from parts of the room, but nevertheless, I consider that this would be acceptable.
18. Part D of Policy HO9 of the CS says that new development should provide private outdoor space for homes, unless site constraints make this clearly unfeasible, whilst part F requires the adequate provision for the storage of bins, recycling and cycles. Principle 3.5 of the SPD also requires that all homes must have direct access to private outdoor space. The proposal provides some outdoor space and this would also be used for the storing of refuse bins. Although this would be less than the levels of outdoor space enjoyed by residents in the surrounding area it would not be in conflict with the requirements of Policy HO9. I therefore conclude that the proposal would not harm the living conditions of future residents in relation to amenity space provision.
19. The proposed dwelling would provide adequate living conditions for future residents with particular reference to space standards, amenity space provision and outlook. However, based on the plans before me the proposal would fail to provide adequate living conditions for future residents with particular reference to daylight. The proposal therefore conflicts with policies DS1, DS3, SC9, DS5 and HO9 of the CS and the SPD which amongst other things seek to ensure that proposals achieve good design of high quality, is

well laid out internally with rooms that receive adequate levels of daylight and does not harm the amenity of existing or prospective residents. The proposal also conflicts with paragraph 135 (f) of the Framework which says that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Considerations

20. The appellant has put forward that the introduction of the dwelling in this location would provide more natural surveillance and improve maintenance of the amenity area. However, I noted on my site visit that there are a number of dwellings, including the flats above the retail units which already have some level of surveillance over this area from various aspects and therefore give this limited weight.

Planning Balance

21. I have found that the proposal would harm the character and appearance of the surrounding area and the living conditions of future residents with regards to daylight. There would therefore be a conflict with the development plan as a whole and this counts significantly against the proposal.
22. The CS dates from 2017 but the weight to be attached does not hinge on its age. Rather, paragraph 225 of the Framework states that policies should not be considered out-of-date simply because of their age and due weight should be given to them according to their degree of consistency with the Framework. Policies DS1, DS3, DS5 and SC9 of the CS are consistent with paragraphs 135(b), (d) and (f) of the Framework. As such, I have attached the conflict with the policy significant weight.
23. The Council cannot demonstrate a 5-year supply of housing, with the latest Five-Year Housing Land Supply Statement (2018-2023) indicating that supply currently stands at 2.06 years and therefore is a significant shortfall. In these circumstances paragraph 11 d) of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
24. The scheme would deliver one new, small sized home, within walking distance of services and facilities and contribute towards addressing the significant shortfall in housing. Despite only providing one unit, this would provide a useful contribution to the Council's housing land supply.
25. Furthermore, there would also be economic benefits during the construction phase but this would be short term and therefore limited.
26. In the particular circumstances of this case, I have concluded that the effect of the proposal would harm the character and appearance of the area and the living conditions of future residents with regards to daylight. This conflicts with the policies of the Framework which seek to create high-quality places. The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

27. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed.

C Skelly

INSPECTOR