



Appeal Decision

Site visit made on 14 January 2025

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2025

Appeal Ref: APP/W4705/D/24/3351289

10 Florence Avenue, Wilsden, Bradford, Bingley BD15 0HE

- 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 Martin Charles against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/02445/HOU.
 - The development proposed is outbuilding in rear garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. While the outbuilding is already in situ, the proposal includes a change from a gable end to a hipped roof on the southern side of the building. I have therefore treated the proposal as part retrospective.

Main Issue

3. The main issue is the effect of the development on the living conditions of the neighbouring occupiers of 12 Florence Avenue with particular regard to outlook and privacy.

Reasons

4. The appeal property is an end-of-terrace dwelling with a modest rear garden and has been previously extended in the form of a rear conservatory. The outbuilding has been constructed just a short distance from the conservatory and stretches across nearly the full width of the garden, although it is stepped in at the northern end. It has a dual pitched roof rising to approximately 3.3 metres in height and features two large windows at the front.
5. The combination of the conservatory and outbuilding gives the impression of a development that is cramped and restricted on the site and has led to a significantly more built-up and enclosed feel in the environs. This is particularly evident when viewed from the rear garden and windows of No 12 where the outbuilding rises significantly above the boundary hedge and contributes to a harmful sense of enclosure along this side of the garden. While the proposed change to the roof form would reduce the building mass on the boundary with No 12, it would not fully remove the sense of enclosure or the cramped and restricted feel of the development more generally.

6. Although not raised as a concern by the Council, I do have concerns in respect of the windows at the front of the outbuilding. The drawings indicate that the outbuilding is used as living accommodation. Even if this use is in connection with the main dwelling, the nearest window has the potential to facilitate close range views over the boundary hedge towards the garden and rear windows of No 12, or at least give the impression of such, reducing the perception of privacy for this neighbour. A change to the roof form would make no difference in this regard.
7. I have considered whether there is a potential fallback position under the provisions of Class E of Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, to qualify as permitted development under Class E the height of the building must not exceed 2.5 metres and it could only be used for incidental purposes, which does not include living accommodation. That is not the case here. Furthermore, such a development would likely be less harmful due to its reduced scale and the nature of its use. I therefore give little weight to this matter.
8. Consequently, even with the proposed changes to the roof, the development would be harmful to the living conditions of the occupiers of 12 Florence Avenue in terms of outlook and privacy. This is contrary to Policy DS5 of the Bradford Core Strategy Development Plan Document (2017) where it seeks to protect the amenity of existing residents. I find that there are no material considerations that outweigh this harm and the conflict with the development plan.
9. The Council has also referred to overshadowing of No 12, but as the building lies to the north such effects are unlikely, and I find no harm in this regard.

Other Matters

10. The Council did not identify any adverse effects on the living conditions of the occupiers of 8 Florence Avenue, and from my own observations I have no reason to disagree with that assessment.
11. Claims that the outbuilding is being occupied as an independent dwelling is a matter for the Council to address in the first instance.

Conclusion

12. For the reasons given above, the appeal should be dismissed.

A Caines

INSPECTOR