



Appeal Decision

Site visit made on 3 December 2024 by T Morris BA (Hons) MSc

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/W4705/D/24/3352329

7 Bangla Walk, Bradford BD3 0BA

- 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 Mrs S A Waszkie against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/02451/HOU.
 - The development is a children's playhouse in the rear garden.
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Decision

1. The appeal is allowed, and planning permission is granted for a children's playhouse in the rear garden at 7 Bangla Walk, Bradford BD3 0BA, in accordance with the terms of the application, Ref 24/02451/HOU and plan numbered RP01 (Existing & Proposed Plans, Site & Location Plan).

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. I have taken the description of development from the application form, although I have removed reference to it being retrospective as it is not a description of development. Nevertheless, on my site visit I saw that the children's playhouse was already in situ and therefore I have assessed the appeal on the basis that planning permission is sought retrospectively.
4. The refusal reason in the Council's decision notice refers to the 'adjoining dwelling' but does not specify which adjoining dwelling this refers to. For the avoidance of doubt and given the ambiguity in the Council's decision notice, I have defined the main issue on the basis that the effect of the development on both adjoining dwellings are taken into account.

Main Issue

5. The main issue is the effect of the development on the living conditions of occupants of 5 and 9 Bangla Walk, with particular regard to privacy and outlook.

Reasons for the Recommendation

6. 7 Bangla Walk (No 7) is a mid-terraced dwelling situated within a residential area. It is part of a terrace of four similar dwellings running from 5 to 11 Bangla Walk. Aside

from 5 Bangla Walk (No 5) which has a more spacious rear garden, the rear gardens of dwellings in this terrace are of more modest proportions. The rear garden of No 7 is narrow and the boundaries to the rear gardens of 5 and 9 Bangla Walk (No 9) on either side are formed of wooden fences which are of modest heights. As a result, the rear gardens share a close-knit relationship where the boundaries only provide a moderate degree of privacy. They also feature typical residential garden structures such as sheds, swings, trampolines and T-post style clotheslines.

7. Whilst the children's playhouse projects above the fence and is sited close to the boundary to the rear garden of No 5 in particular, it is sited towards the end of the rear garden of No 7 and its main elevated section is largely enclosed by solid wall panels. Therefore, views from the playhouse towards the gardens of No 5 and No 9 are away from the main patio area and any habitable windows on the rear elevation of the dwellings. I also observed on my site visit that the solid sides of the playhouse restrict most views of neighbouring gardens to an oblique angle. Although children using the playhouse would be able to see more of the adjacent rear gardens from its open elevated section and when using the slide, this is likely to be momentary glimpses rather than for any extended period of time.
8. For these reasons, the children's playhouse has not resulted in a substantial increase in overlooking of the rear gardens or into any habitable rooms on the rear elevations of No 5 and No 9. Furthermore, from my own observations on site, there is already some visibility across these rear gardens even without the playhouse, due to their relatively close-knit relationship and the modest boundary heights between the gardens. In the circumstances, the development would not materially erode the privacy of neighbouring occupiers.
9. In addition, given that the children's playhouse is sited towards the end of the rear garden of No 7, it is set away from any habitable windows on the rear elevations of No 5 and No 9 and their patio areas. Moreover, due to the design of the playhouse with its use of timber, pitched roof, diamond shaped windows, plastic slide and seating area, it has the appearance of a typical children's play structure, common in a residential garden environment. Therefore, the children's playhouse does not appear dominant or obtrusive when looking out on to the rear gardens from No 5 and No 9 and has a minimal effect on the outlook from these properties.
10. I conclude, the children's playhouse has an acceptable effect on the living conditions of occupiers of 5 and 9 Bangla Walk, with particular regard to privacy and outlook. The development complies with Policies DS1 (Achieving Good Design) and DS5 (Safe and Inclusive Places) of the City of Bradford Core Strategy Development Plan Document (2017), which amongst other things require that development proposals are informed by a good understanding of the site/area and its context and should not harm the amenity of existing or prospective users and residents. Also, the development conforms to the City of Bradford Householder Supplementary Planning Document (2012). This advises that development should maintain or improve the character and quality of the original house and wider area, should not cause unacceptable harm to the privacy of neighbours and should not over dominate or seriously damage outlook at neighbours' property.

Conclusion and Recommendation

11. The proposal would comply with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

B Plenty

INSPECTOR