



Appeal Decision

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

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2025

Appeal Ref: APP/W4705/D/24/3353112

55 Low Fell Close, Keighley, Bradford BD22 6ER

- 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 J Holmes against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/02987/HOU.
 - The development proposed is alterations to levels in rear garden and construction of retaining wall with fence.
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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 Matter

3. I saw on my site visit that the development has already commenced on the site though it did not appear to be completed. Planning permission is therefore sought at least partly on a retrospective basis, and the appeal is considered on that basis.

Main Issue

4. The main issue is the effect of the development on the living conditions of occupiers of 61 Low Fell Close, with particular regard to outlook.

Reasons for the Recommendation

5. 55 Low Fell Close (No 55) is a detached dwelling situated in a modern housing estate. 61 Low Fell Close (No 61) is perpendicular to No 55 and so the rear boundary of the garden of No 61 forms part of the side boundary of the rear garden of No 55. No 61 also sits at a lower ground level in relation to the appeal site. Consequently, the main aspect from the rear windows and rear garden serving No 61 is towards the retaining wall and fence subject of this appeal.
6. Photographic evidence provided by a third-party, including a 'Zoopla' picture, shows that the previous garden levels at No 55 sloped down to a stone wall which sits along the boundary with a field. The same field boundary wall extends along the side of the rear garden of No 61. On my site visit, I saw that the top of the retaining wall and raised land undertaken on the appeal site, sits well above the top of the stone wall. This indicates that there may be a

discrepancy in respect of the 'previous garden level' shown on the cross sections provided by the appellant and the effects of the proposal relative to the pre-existing situation along the boundary with No 61 could be greater than depicted. There is no detailed contrary evidence, including for example detailed before and after spot levels or pre-existing drawings of the previous boundary fence as viewed from No 61 to demonstrate otherwise.

7. Furthermore, 59 Low Fell Close (No 59) also faces the side boundary of No 55 and there is a retaining wall, with a picket fence on top, along this shared boundary. The plans before me indicate that the top of the boundary treatment subject of the appeal would align with the top of the rear boundary feature at No 59. However, at the time of my visit, the top of the fencing that was under construction was set down from the height of the rear boundary at No 59.
8. Nevertheless, the solid design of the retaining wall and horizontal boarding, and their combined substantial height, which increases towards the boundary with the adjoining fields rather than reflecting the falling land levels within the garden of No 61, already forms an imposing boundary feature. Due to the modest depth of the garden at No 61, it unacceptably encloses the rear aspect of No 61. There is the potential that it would be even more overbearing if, when the development is completed, the top of the boundary treatment is aligned with the top of the rear boundary of No 59 as per the drawings provided.
9. I accept that rear boundary treatments are often high in the interests of privacy and to prevent crime. Even so, this does not justify the design and scale of the appeal development which, given the site-specific relationship described, has an unacceptable overbearing and enclosing effect on outlook when experienced from the ground floor rear windows and rear garden serving No 61.
10. I conclude, the development is harmful to the living conditions of occupiers of 61 Low Fell Close, with particular regard to outlook. The development therefore conflicts with Policy DS5 (Safe and Inclusive Places) of the City of Bradford Core Strategy Development Plan Document (2017), which requires that development proposals should not harm the amenity of existing or prospective users and residents. The development also conflicts with the City of Bradford Householder Supplementary Planning Document (2012), which states that boundary treatments should not have an overbearing impact.

Conclusion and Recommendation

11. For the reasons given above, I recommend that the appeal should be dismissed since it would conflict with the development plan.

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 dismissed.

M Russell INSPECTOR