



Appeal Decision

Site visit made on 3 March 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2025

Appeal Ref: APP/W4705/W/24/3351071

24-26 Holroyd Mill Lane, Micklethwaite, Bingley, Bradford BD16 3JG

- 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 Thomas Conway against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/01611/HOU.
 - The development proposed is creation of a decking area in the back garden to the rear of existing garages 4.5m x 11m 150cm level high from the foundations of the house/garages. In one corner will be a potting shed 4m x 3.5m with a single pitch roof having a maximum height of 2.5m from the decking level. The shed will have a door and two windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed on my site visit that the appeal proposal has already been implemented and I shall thus consider it on a retrospective basis.
3. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Therefore, in this instance, it has not been necessary to consult the main parties on the amendments to the Framework.
4. The appeal site is located within the Green Belt. The reasons for refusal do not assert that the appeal proposal represents inappropriate development within the Green Belt. On the evidence before me, and from what I observed on site, I see no reason to disagree.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the host dwelling and whether it would preserve or enhance the character or appearance of the CA; and
 - the living conditions of the occupiers of number 28 Holroyd Mill Lane (No. 28), with regard to outlook and daylight.

Reasons

Character and appearance

6. The appeal site is situated within the Micklethwaite Conservation Area (the CA) and therefore in accordance with the statutory duty set out in Section 72(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.

7. The CA comprises of much of the historic agricultural village of Micklethwaite within the valley slopes. I observed the significance of the CA in part derives from its green and verdant character, with the wooded bank providing an impressive backdrop to the village and the water features of Morton Beck and Holroyd Pond contribute to the significance of the CA in the vicinity of the appeal site. The CA consists of an attractive mix of buildings which vary in age and type, reflecting its agricultural and industrial past. The use of traditional natural materials such as sandstone and gritstone are common throughout, adding to the significance of the CA.
8. The appeal property is itself a converted former mill building located within a cluster of stone-built rural properties which face into a central courtyard area. The appeal property is attractive, with a distinctive tall chimney stack representing its former use. Along with the adjoining property at number 20 – 22 Holroyd Mill Lane, the appeal dwelling is identified as a key unlisted building, as well as a positive contributor to the character of the area, within the Micklethwaite Conservation Area Appraisal (2009).
9. To the side (southwest) of the appeal property is a row of three stone garages and these attach to the side of the neighbouring dwelling at No. 28, with the rear garden of the appeal property extending behind these garages. Whilst ancillary buildings, their stone construction and traditional design means these garages successfully reflect the character and appearance of the CA.
10. To the rear of these garages, and therefore within the rear garden of the appeal property, is an area of raised decking. Furthermore, adjoining the rear elevation of the garage that is attached to No.28, a wooden shed has been constructed on this area of decking. It is this shed and the decking area to which the appeal relates.
11. The shed, as a result of its timber finish and corrugated bitumen roof, is at odds with the surrounding stone buildings, including the row of garages to which it is attached, the appeal dwelling and the neighbouring property at No. 28. Furthermore, its significant projection out from the rear dominates and detracts from the garage building and its sloping roof design, which rises away from the rear of the garage, only exacerbates its visual harm in an area characterised by structures largely consisting of traditional pitched roofs. The shed therefore fails to respond to local character and represents an unsympathetic feature at the rear of the appeal property.
12. In coming to this view, I recognise that a larger pergola previously existed to the rear of this row of garages. However, from the evidence before me this pergola was of a more lightweight and open construction and is therefore not directly comparable to the solid timber shed in terms of its visual impact.
13. Furthermore, whilst acknowledging the existing stone chimney and surrounding trees are significantly larger in scale than the shed, they are features which positively contribute to the significance of the CA and the wider rural landscape. These positive features are not therefore comparable to the shed which, for the reasons given, I find has a harmful visual impact.

14. My attention has been drawn to photographs of other timber sheds and structures elsewhere within the CA. Whilst each case is determined on its own individual merits, I have been provided with limited information in respect of the exact locations of these structures, and their planning history. Nevertheless, those that I observed were generally detached structures which were not attached to existing stone buildings. As such, these other examples of timber structures are not directly comparable to the appeal scheme before me.
15. I also acknowledge that being situated to the rear of the property the shed is not currently visible from public vantage points within the CA. However, the rear garden area of the appeal property, and the shed, fall within the CA and therefore the statutory duty to the desirability of preserving or enhancing the character or appearance of the CA, as set out in the Act, is applicable. Furthermore, the shed is clearly visible from the rear of the neighbouring property at No. 28 and for the reasons given I find that it detracts from the qualities of the appeal property which is identified as a key unlisted building in the CA.
16. Consequently, I find that the development fails to preserve the character and appearance of the CA. In this respect I consider that the harm to the significance of the CA is less than substantial. Therefore, in accordance with paragraph 215 of the Framework this harm must be weighed against the public benefits.
17. The appellant states that the shed has been constructed to a high level of quality, using locally sourced reclaimed materials, and is carbon negative through its re-use of materials. The appellant also states that the shed is fundamental to the learning and continued development of an occupant of the appeal dwelling's career aspirations as a horticulturist, and that the loss of the shed would be both physical and emotional.
18. Whilst these benefits and matters are acknowledged, I am not convinced that the appeal scheme is the only way to achieve them. To that effect, I have limited evidence before me that a structure of an alternative design, size and appearance could not be provided elsewhere within the rear garden area which could also provide these benefits, whilst preserving the character and appearance of the CA.
19. Furthermore, the appellant claims that the shed provides privacy for the neighbouring occupiers of No. 28 by preventing overlooking. I am not however convinced that the appeal scheme is the only way of providing privacy for the neighbouring occupiers at No.28.
20. In view of the above, when taken together I find that the public benefits do not outweigh the considerable importance and weight I must attach to the designated heritage asset.
21. I therefore conclude that the development has a harmful impact upon the character and appearance of the appeal dwelling and fails to preserve the character and appearance of the CA. It therefore fails to accord with Policies EN3 and DS1 of the Local Plan for the Bradford District - Core Strategy Development Plan Document (2017) (CSDPD) which require, among other things, that all developments conserve the significance of heritage assets, and achieve good design and high-quality places. The development also fails to satisfy the requirements of the Act and the relevant sections of the Framework.

22. The Council's reason for refusal in relation to this main issue refers to Policy DS3 of the CSDPD. This policy relates to 'Urban Character' and refers to the 'urban areas of Bradford', and its relevance in respect of the appeal site has been questioned by the appellant.
23. In relation to this matter, I have been provided with limited information in respect of what constitutes the 'urban areas of Bradford' and consequently this is a matter of planning judgement. As such, based on the evidence before me and my observations on site, I find that the appeal site is located within a rural setting, as recognised by its Green Belt designation, rather than an urban area. Consequently, I do not find that Policy DS3 is directly relevant to the appeal scheme.
24. I note the appellant has also questioned the relevance of Policy EN3 given that the development cannot currently be seen from public vantage points within the CA. Nevertheless, as the appeal site is located within the CA, Policy EN3 is applicable.

Living conditions

25. The shed is set very close to the boundary shared with the neighbouring property at No. 28. The ground floor level of No. 28 is set at a naturally lower level than the appeal property and the change in levels between the properties is depicted by a stone retaining wall along the shared boundary, which includes a timber fence above.
26. No. 28 has a large, glazed opening, which includes a glazed door, in its ground floor rear elevation close to this shared boundary. Immediately to the rear of this opening is an outside area which is surfaced with a mixture of flags and pebbles, and I observed this area contained a table and chairs, suggesting it is used by the occupants of this dwelling.
27. From the opening in the rear of No.28, and from a large proportion of the rear garden area, a considerable section of the shed is visible above the boundary fence situated on the retaining wall. Through a combination of the difference in land levels and the shed's siting on an area of raised decking close to the shared boundary, along with its height, projection and sloping roof design, the shed appears as an excessively intrusive and dominant feature when viewed from the amenity areas to the rear of No. 28.
28. The impact is particularly harmful when viewed from the areas close to the shared boundary, such as the large opening in the rear elevation of the dwelling and the outside area which includes a table and chairs. Consequently, from the rear of No.28 the shed appears as an unduly large and overbearing feature which has a detrimental impact on the living conditions of its occupiers by way of loss of outlook and daylight.
29. My attention has been drawn to Design Principle 3 within the Householder Supplementary Planning Document (2012) (SPD). This states that single storey extensions to terrace or semi-detached properties should not normally exceed 3m in depth, and where there is a significant change in levels these guidelines may be adjusted.
30. The shed is attached to the rear of a garage that adjoins the property at No. 28. Thus, the impact of the shed on the existing opening in the rear elevation of No. 28, and its outdoor amenity space, is similar to that of a single storey extension to the rear of a pair of attached dwellings. Design Principle 3 of the SPD therefore

provides a useful guide when assessing the impact of the shed on the living conditions of the occupiers at No. 28.

31. In this regard, the submitted plans do not clearly annotate the projection depth of the shed and there is a discrepancy between the figures referred to by the main parties¹. However, even when taking the lesser figure stated by the appellant the shed exceeds the 3m suggested within the SPD by a significant amount and the change in land levels between the properties only accentuates the impact of the shed on No.28. Furthermore, as the development is retrospective I have based my assessment from my on-site observations.
32. The appellant has also drawn my attention to paragraph 5.7.71 of the CSDPD, which states *"It is important that development does not harm the amenity of existing or prospective uses or residents... However adverse impact on amenity should not be used as an unreasonable barrier to proposals for job creation..."*.
33. Whilst I acknowledge the benefits the shed will bring to an occupant's career aspirations, as mentioned above, it has not been evidenced that the appeal scheme is the only way to achieve this benefit. Furthermore, for the reasons given I find that the development has a detrimental impact upon the living conditions of the neighbouring occupiers and thus dismissing the appeal on these grounds would not represent an *"unreasonable barrier to proposals for job creation"*.
34. In view of the above, I conclude that the development has an unacceptable impact upon the living conditions of the occupiers of the neighbouring property at No.28. It therefore conflicts with Policy DS5 of the CSDPD where it seeks to ensure, among other things, that development proposals do not harm the amenity of existing residents. The development is also considered contrary to paragraph 135(f) of the Framework which seeks to ensure developments provide a high standard of amenity for existing users.

Other Matters

35. The appellant has suggested a number of works that could be undertaken to the shed *"...in the spirit of moving forwards and seeking a reasonable quick resolution..."*, as well as suggesting a number of conditions that could be imposed. However, based on the information before me and my observations of the appeal scheme, these suggestions and conditions would not overcome the concerns I have raised.
36. The appellant states that the shed is temporary in nature as the wood will rot at some point and need to be replaced. Whilst the shed may not endure in the long term, permission is however being sought on a permanent basis. Furthermore, I have, for the reasons given, found that in its present form the shed has an unacceptable impact upon the living conditions of neighbouring occupiers and is visually harmful. Any future deterioration in its appearance would only likely result in further visual harm to the character and appearance of the area, and the CA.
37. I have been made aware of correspondence between the Council and the appellant in respect of alterations that could potentially be made to the appeal scheme. However, my role is to assess this Section 78 Appeal on the scheme that is before me.

¹ The Council's Officer Report states 4.5m and the Appellant's Statement states 3.9m.

38. My attention has been drawn to the development's compliance with other policies, and other criteria, within the CSDPD. However, compliance with these policies, and criteria, is a neutral matter that does not weigh in favour of the appeal scheme, nor does it override the conflict with the policies detailed above.

Conclusion

39. The proposal conflicts with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

R Major

INSPECTOR