



Appeal Decisions

Site visits made on 22 October 2024 and 17 February 2025

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/W4705/C/24/3342784 ('Appeal A')

2 Sowden Grange, Thornton, BRADFORD, BD13 3TH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Raziq Ali against an enforcement notice issued by City of Bradford Metropolitan District Council.
- The notice was issued on 24 March 2024.
- The breach of planning control as alleged in the notice is *Without planning permission, the construction of a three-storey building on the land.*
- The requirements of the notice are (i) to demolish the unauthorised three-storey building; and (ii) remove all arising materials from the land.
- The period for compliance with the requirements is: three months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: the appeal is dismissed and the enforcement notice is upheld.

Appeal Ref: APP/W4705/D/24/3351626 ('Appeal B')

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Raziq Ali against the decision of the City of Bradford Metropolitan District Council.
- The application ref. 24/01980/HOU dated 24 May 2024 was refused by notice dated 21 August 2024.
- The development proposed is described as a three-storey structure to form a residential annexe (retrospective).

Summary Decision: the appeal is dismissed.

Preliminary Matters

1. The two appeals concern essentially the same development, although with some differences. The planning appeal (Appeal B) is described as an application for retrospective permission, but it appears from the plans that the appellant is seeking to reduce the size of the structure from that which presently exists. The enforcement appeal (Appeal A) however seeks permission for the structure as it existed when the notice was issued.
2. The notice describes the alleged unauthorised development as a 'building' (inferring an independent structure rather than an extension or annexe) and it is therefore possible that it now appears differently again, because what I saw on site was a building but which does not stand alone. It is joined to the principal dwelling by a connecting single storey L-shaped structure. This is depicted on the Appeal B plans, but it is not clear to me whether that single storey connection had been made when the notice was issued. The allegation is nonetheless clear, and no suggestion is made that it is incorrect.

Main Issues

3. The Council refused planning permission for two reasons, concerning the impact of the building on the character and appearance of the area and its impacts on the living conditions of the residents of no. 3 Sowden Grange. The notice was issued because the Council considered the building to be detrimental to visual and residential amenity. Thus the two main issues in the appeals are the effects of the development on the character and appearance of the area and on the living conditions of the neighbouring residential occupiers.

Reasons

Character and appearance

4. Section 5.7 of the City of Bradford Core Strategy of July 2017 contains the design policies for the area. Policy DS1 provides that development proposals should contribute to achieving good design including by having a good understanding of the site area and its context. Policy DS3 requires proposals to achieve a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials. The Council's statement and its decision notice refusing planning permission refer to policy DS4, but this is not cited in the enforcement notice and deals with streets and movement, matters about which the Council raises no concerns. The decision notice refusing planning permission also references policy DS5 which requires development proposals to make a positive contribution to people's lives through high quality, inclusive design.
5. Permission was obtained for a replacement garage building on the site, but the building constructed is somewhat larger than that permitted, and is said to have self-contained facilities (although no floor plans have been supplied). The Council's design concerns are that it does not respond appropriately to its context, and that it does not achieve a relationship of subservience to the principal dwellinghouse on the site.
6. The three-storey element is a substantial addition, sited towards the front of the plot and rather overwhelming its surroundings. It is substantially more prominent on the approach than the principal dwelling, which is set further back from the lane.
7. The Council's Householder Supplementary Planning Document ('SPD'), offering design guidance in the area, takes potentially different approaches to design depending on whether an 'extension' or an 'outbuilding' is under consideration. However, the advice on outbuildings suggests that the same approach should apply as to house extensions where a garage (or by implication other outbuilding) occupies a prominent location, as this one does. Owing to the single-storey connecting element, the development here could reasonably be considered as either an extension or an outbuilding, but the same SPD advice applies either way.
8. Design Principle 1 of the SPD is that the size, position and form of extensions or outbuildings should maintain or improve the character and quality of the original house, and as a general rule should not appear to dominate the original house. Extensions or outbuildings to the front are usually unlikely to be acceptable.

9. The structure here is neither a subordinate nor an integrated extension to the original house. Although that is a large dwelling lying on slightly higher ground than the new structure, the new structure, a three-storey building of a substantial size, lies forward of it at the front of the plot and in doing so comes to dominate it. I find that (whether or not the height is reduced by the 42cm depicted on the Appeal B plans) it fails the SPD's general rule that it should not appear to dominate the original house. It also fails to maintain the former more open character of the original house by reason of the extensive development to the front of the plot.
10. Whilst there may be reasons to depart from the SPD's guidance in some cases, the particular design approach taken here has not been explained, save to say that there is a variety of house forms in the area and the development is out of view down a private lane. The proposal, at least of Appeal B, is of a residential annexe, rather than of a new dwelling, and there has been no apparent subdivision of the planning unit. Accordingly, the design advice applying to extensions or outbuildings is applicable. The appeal site lies in a private lane where the house styles, all detached, are different from each other, but none is characterised by an extension or outbuilding that so dominates the original dwelling as this one. Any existing lack of visibility of the development from public vantage points does not in itself affect its effects on the character of the area.
11. On this issue I therefore find the development to be contrary to the design advice found in the SPD and to the design policies for the area found in the 2017 Core Strategy.

Living conditions

12. Policy DS5 refers to safe and inclusive places, and requires development proposals to make a positive contribution to people's lives through high quality design that does not harm the amenity of existing or prospective users or residents.
13. The Council's concerns in this regard concern what they describe as overlooking and overbearing impacts of the development, affecting the occupiers of the adjoining property at no. 3.
14. The gable end of the building facing sideways onto no. 3 consists of a substantially blank façade, with window openings on the ground floor only. I do not detect any conflict with Design Principle 2 of the SPD which requires that no unacceptable harm to the privacy of neighbours is caused. Design Principle 3 requires that extensions and outbuildings should not over dominate, seriously damage outlook or unacceptably reduce natural daylight reaching any neighbour's property.
15. The existing layout of the neighbour's property at no.3 is that an integrated garage lies alongside the appeal structure, with habitable rooms located further away and the appeal structure otherwise overlooking the neighbour's front garden which is mainly laid to hardstanding for parking. Although the appeal structure dominates the frontage of the lane, I do not find that it unduly overlooks or overbears the neighbouring property so as to adversely affect the living conditions of its occupiers to any unacceptable degree. Therefore on this issue I find no overall conflict with the development plan.

Other Matters

16. The appellant complains that the Appeal B application was not referred to a committee of Members for a decision, as had been requested and anticipated. However there is no suggestion that the Council have not issued a valid decision on the application. The particular delegation under which the Council's decision was made is not in itself a material planning matter arising for my consideration.
17. The enforcement appeal form in Appeal A suggests that there are medical issues arising for consideration, but does not elaborate on what these might be. It is evident from the Council's associated planning committee report on the Appeal B proposal that these matters have been given some consideration by the Council. I have been supplied with nearly 70 pages of medical records of a person whose exact relationship to the appellant is not explained but whom I understand to be an elderly relative.
18. What exactly the medical issues are, the likely longevity of these, and any resulting need for or benefits from a residential annexe that might justify the permanent provision of the three-storey appeal structure are not explained. It is possible in some cases for the personal circumstances of an appellant to overcome a conflict with the development plan for the area, but those circumstances, and the consequential need for the particular development in issue, would require a clear explanation and justification. Those have not been supplied here, and accordingly I am unable to attribute those circumstances sufficient weight to overcome the harm caused by the development that I have identified.

Conclusion

19. For the above reasons I conclude that the development conflicts with the provisions of the development plan for the area. Although there appear to be some countervailing material considerations, in the form of medical needs of a family member, these lack sufficient clarity to be able to overcome the conflict with the development plan. Accordingly the appeals will be dismissed and I shall refuse to grant planning permission and will uphold the enforcement notice in Appeal A.

Formal Decisions

Appeal A

20. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

21. The appeal is dismissed.

Laura Renaudon

INSPECTOR