



Appeal Decision

Site visit made on 3 March 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/W4705/D/24/3352510

279 Leeds Road, Eccleshill, Bradford BD2 3LD

- 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 G Shaw against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/00926/HOU.
 - The development proposed is formation of new access for disabled wheelchair user and amendments to front porch.
-

Decision

1. The appeal is allowed, and planning permission is granted for formation of new access for disabled wheelchair user and amendments to front porch at 279 Leeds Road, Eccleshill, Bradford BD2 3LD in accordance with the terms of the application, Ref 24/00926/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans, namely: 'Location Plan' (PA LR/03/024/LP1), 'New Wheelchair Access, Means of Fire Escape and Amendments to Front Porch' (PA LR/03/024).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. Although 'Retro Planning Application' and 'built without consent' are included in the description of development on the application form, I have not included them in my banner heading as they do not describe an act of development. The application form confirms the development has been started, but not completed. I was able to see during my site visit, a porch with ridged roof and front portico, and I note that the appeal proposal involves amendments to this structure. I have not seen any evidence to indicate that the structure as it exists at present is lawful and have noted reference in the officer report to the development being unauthorised. Thus, I have assumed for the purposes of this appeal that the application relates to the porch in its entirety, as shown on the proposed plans. I have determined the appeal on that basis.
3. There is some dispute between the parties in respect of plan scale, internal layout, and the measurements of the existing porch extension, particularly with regard to

the planning history. I note the plans are clearly annotated to describe the elements of the existing structure that would be removed or altered; therefore, I will proceed on the basis of the plans before me, and I am satisfied that neither party would be prejudiced in me doing so.

Main Issues

4. The main issues are:

- the effect of the development on the character and appearance of the host dwelling and the wider area; and
- whether the appellant's personal circumstances and need for the development outweigh any harm identified in respect of the first main issue, such as to indicate a decision otherwise than in accordance with the development plan.

Reasons

Character and appearance

5. The appeal site is within a residential area of predominantly two-storey semi-detached houses with uniformity in the building lines, horizontal emphasis, and hipped roof forms. A distinguishing feature of the area is that dwellings are elevated above the level of the road on one side, and slightly below road level on the other side. This arrangement contributes to a sense of spaciousness.
6. The appeal property (no. 279), together with its semi-detached neighbour, fits comfortably within the established character of the street scene. There is a simple horizontal emphasis to the front elevation of the pair. A two storey side extension on no. 279 appears subservient. There is a pronounced drop in ground levels from the pavement to the front of the dwelling, which is behind a boundary wall with piers and railings. The effect is that the ground floor element of no. 279 is not fully visible from outside the site. The roof of the existing porch, and the fully glazed side elevations are the main elements of the structure that are conspicuous within the street scene. The dual-pitched roof and significant projection from the front face of the dwelling are discordant with the simple proportions of the semi-detached pair and make the structure visually harmful.
7. The appeal proposal includes the removal of the front portico, a lower, re-configured lean-to roof over the remaining porch, and an external access path. The external access within the garden space, would be entirely set down below pavement level and would not have a harmful visual impact.
8. Whilst the proposed porch would better reflect the horizontal emphasis of the semi-detached pair of dwellings, it would still be a bulky structure, particularly as it extends across the frontage of the side extension, and the shallow pitch of the roof would not correspond with the main roof pitch. These elements, together with the large amount of glazing, amount to a development that would not sit comfortably on the host dwelling or the semi-detached pairing. However, the harm to the wider street scene would be mitigated by the position of the porch below street level.
9. I conclude that the development would cause harm to the character and appearance of the host dwelling and the wider area. The proposal would therefore conflict with policies DS1 and DS3 of the Local Plan for the Bradford District, Core Strategy Development Plan Document, (2017). Amongst other things, these seek to achieve good design informed by an understanding of the site and its context.

Occupier's need with regard to accessibility.

10. In my assessment of the occupier's need for the development, I have had due regard to the Public Sector Equality Duty (PSED), contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability, such as in this case. I have therefore afforded greater weight to the needs of the individual, as required by the PSED.
11. The appellant has asserted that the proposed changes are necessary to make the home more accessible for a disabled family member. This includes providing a south-facing indoor amenity space, a means of exit from the extension bedroom without entering back into the main property, and to be of a size that can accommodate a manoeuvring wheelchair. The proposal would provide improved accessibility, and also benefits to the living conditions of the occupier, due to its orientation and glazing. It would therefore advance the equality of opportunity for a user with protected characteristics, and potential future occupiers who may require accessible facilities, and I attribute significant weight to this factor.
12. Furthermore, the Local Development Framework for Bradford, Householder Supplementary Planning Document, allows a relaxation of design principles where a development has been designed for the specific needs of a person and there is no suitable alternative. I acknowledge the Council's stance that there are alternatives, such as the existing ground floor facilities, a separate side entrance door, and a smaller porch. However, I find that the alternatives would not bring about the improved accessibility and amenity benefits that the appeal proposal would provide for the disabled member of the family.

Planning Balance

13. I have found that the proposal would conflict with policies of the development plan that relate to matters of character and appearance. This conflict counts against the proposal, albeit the harm I have identified is modest due to the reduced visibility of the porch within the wider street scene. Against that, I have attributed significant weight to the fact that the proposal would meet the needs of a family member that is a wheelchair user. The PSED duty does not necessarily override other considerations, but it is a factor to be weighed in the planning balance. The evidence in this case is compelling and I am persuaded that there are grounds to attach significant weight to the family member's disability and their need for the development.
14. Having taken all factors into account, I find that the occupier's need for the proposed development with regard to accessibility and amenity, is sufficient to outweigh any harm identified in respect of character and appearance, and any conflict with the development plan. The development could also benefit potential future occupiers. A grant of planning permission is therefore justified.

Conditions

15. I have imposed the standard time limit and list of approved plans conditions in the interests of certainty. I have also imposed a condition requiring materials to match

the existing building to secure harmonious architectural treatment and ensure the development sits comfortably within the street scene.

Conclusion

16. For the reasons given above the appeal should be allowed.

E Heron

INSPECTOR