



Appeal Decision

Site visit made on 17 December 2024 by A Khan BSc (Hons) MA MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2025

Appeal Ref: APP/W4705/D/24/3348863

Mardene, Hill Top Road, Hainworth, Bradford, Keighley BD21 5QN

- 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 Mason Mirzaali against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/01272/HOU.
 - The development proposed is detached double garage.
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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 Matters

3. The revised National Planning Policy Framework (Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, considered the appeal having regard to the revised Framework.

Main Issues

4. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including its effect on openness;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether inappropriate development

5. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless it falls within the given list of exceptions. One exception to

inappropriate development in the Green Belt is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

6. The Council states that the proposed garage would be a “new building” and therefore inappropriate. However, according to Section 3 Part 14 of the Bradford Householder Supplementary Planning Document [April 2012] (SPD), extensions include garages. Therefore, insofar as it relates to this appeal, I regard the proposal as an extension of the host property.
7. The host property is a replacement dwelling granted planning permission¹ in 2022. The Council and appellant differ on whether the previous bungalow or current replacement dwelling is the “original building.” The Glossary in Annex 2 to the Framework defines the original building as “a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally”. The current replacement dwelling did not exist on 1 July 1948 and it was only built recently. As such, it is clear that the original building for the purposes of the Framework is the replacement dwelling itself, as originally built.
8. Section 3 Part 14 of the SPD states that for extensions within the Green Belt, proposals resulting in an addition of over 30% of the original cubic volume are likely to be considered disproportionate. As the term “disproportionate additions” is not defined in the Framework, this is a matter for the decision maker to determine in the context of whether the extension would be disproportionate. The SPD definition focuses solely on cubic volume, whereas the Framework refers to ‘size’, and it is therefore reasonable to have regard to the volume, external dimensions, footprint and floorspace of the proposal, as well as its visual impact.
9. The proposed garage would introduce additional development to the front of the property. The proposed structure would be bordering the front of the plot, covering a significant footprint. The cubic volume increase of the proposal would be marginally under the SPD figure; however, the external dimensions and footprint of the proposed garage would be substantial in relation to the original dwelling. Additionally, the pitched roof design would, by virtue of its height, exacerbate the visual impact of the garage, to the extent that it would not be perceived as a modest structure.
10. The proposed garage would introduce a significant built form where there is currently none. Due to its location along the site’s front boundary line where the ground is level with the road, the garage would be unduly prominent from the public realm. Despite being set below the ground line, the height and scale of the design would create an imposing structure which would have an adverse effect on the openness of the Green Belt, both in spatial and visual terms.
11. Due to its extensive footprint, excessive external dimensions, including in terms of height, but also its visual impact, the proposal would appear as a disproportionate addition over and above the size of the original building. The proposal would therefore, with regard to Paragraph 154 of the Framework, constitute inappropriate development in the Green Belt and cause moderate harm to openness.

¹ Application ref 22/05205/FUL (amended)

Character and appearance

12. The appeal site lies on a private, residential road of detached dwellings significantly set back with deep front plots and driveways at a steep gradient. In most instances, the garages lie in proximity to the host properties and are set back significantly from the road frontage. Very few dwellings have garages located within the front gardens. The road travels uphill, giving the dwellings elevated views across the landscape. All these elements contribute to the open, spacious and rural character and appearance of the area.
13. The proposed garage would introduce a new, large structure to the forefront of the host property's front boundary and would partially replace its structure with the side elevation of the garage. The garage would be set at a lower level than the host dwelling, allowing views to and from the property. However, due to the open front gardens in the area, the location and excessive scale would make the proposal very prominent on Hill Top Road as one of the few structures along the front boundary wall. The proposed pitched roof design would increase the height of the garage significantly, therefore exacerbating its bulk and undue prominence along the road. This would disrupt the open and spacious feel of the street scene, therefore causing significant harm to the rural character and appearance of the area.
14. Although the materials would be of high quality and match the existing dwelling, this would not outweigh the undue prominence and siting of the proposed garage, which would erode the openness of the surrounding area. Therefore, the proposal would be incongruous to the character and appearance of the area.
15. The appellant has cited the garage at Marcliffe as precedent for the proposed scheme. However, this garage does not reflect the prevalent pattern of development in this area. Furthermore, it is relatively smaller in scale and has a flat roof, making it incomparable to the proposed garage. I have also had regard to the touring caravan and fence adjacent to the appeal property, which would be a greater height than the proposed garage. The fence however does not share the same depth and footprint as the garage, therefore its height has a minimal impact on the surroundings and serves primarily as a screen. The caravan is neither development nor a permanent structure and cannot be compared with the appeal scheme.
16. Whilst it is argued that there are no alternatives and clearly preferable locations for the proposal, little evidence has been provided in that respect to demonstrate that no less harmful options exist. Furthermore, it is noted that the proposal would fulfil the appellant's domestic needs and provide bicycle storage, thus supporting sustainable travel. However, this does not outweigh the harmful impact of the proposal.
17. Consequently, the proposed scheme would harm the character and appearance of the area. The proposal would therefore contradict the design aims of Policy DS1 of the Bradford Core Strategy Development Plan Document [Adopted July 2017] (CS) and the Householder SPD, which notably state development proposals should contribute to achieving good design. The proposal would also contradict Policy DS3 of the CS, which states development proposals should respond to and complement the local context.

Other considerations

18. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. Paragraph 153 adds that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations, which have been referred to my attention.
19. The appellant states that the proposal would meet their reasonable domestic needs, including bicycle storage. There is little evidence before me to suggest that less harmful solutions could not be sought to address these needs. In addition, there is no evidence before me that would guarantee that the proposal would be used to promote sustainable travel and exercise. Therefore, I assign this consideration very limited weight.
20. As mentioned above, the appellant argues that there are no alternative solutions for the location of the proposed garage. As I am not satisfied that there is enough evidence to demonstrate that no less harmful solutions exist, I ascribe very limited weight to this consideration.

Conclusion and Recommendation

21. The appeal scheme would constitute inappropriate development in the Green Belt and would reduce openness. I ascribe substantial weight to the harm which would be caused to the Green Belt and openness. Moderate weight is given to the harm which has been identified in respect of the effect on the character and appearance of the area. The proposal would therefore conflict with national and local planning policies.
22. The harm caused by the development would not be clearly outweighed by the other considerations advanced in support, whether taken individually or cumulatively. Consequently, the very special circumstances required to justify inappropriate development in the Green Belt do not exist.
23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Edwards

INSPECTOR