



Appeal Decision

Site visit made on 2 June 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/W4705/D/25/3363509

43 Dallam Avenue, Saltaire, Shipley, Bradford, BD18 4NX

- 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 Dr Biagio Orlando against the decision of City of Bradford Metropolitan District Council.
- The application Ref is 24/03939/HOU.
- The development is 1.8m high timber gates to front.

Decision

1. The appeal is allowed, and planning permission is granted for 1.8m high timber gates to front, at 43 Dallam Avenue, Saltaire, Shipley, Bradford, BD18 4NX, in accordance with the terms of the application, Ref 24/03939/HOU, and the plans submitted with it, and subject to the following condition:
 - 1) The gates shall be fitted with springs at all times to ensure that they remain closed other than when in use for entering or exiting the site.

Preliminary Matters

2. The description of development on the application form comprises a lengthy justification for the new front gates. I have therefore used the description of development on the Council's decision notice, which is more concise, and accurately describes the development. As the gates have already been constructed, planning permission is sought retrospectively.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property comprises a semi-detached house with a detached garage and driveway to the side. It is in a prominent corner position, directly opposite a grassed traffic island, bus stops, and a large playing field and playground area. Due to its corner position, it has only a very small triangular area of garden space to the rear, with additional space to the front of the house and to the side of the garage and driveway. A high hedge screens the property from both Dallam Avenue and Hirst Lane. High timber fences divide the front garden of the appeal property from those to either side of it.
5. The surrounding area is predominantly residential. Due to the topography of the area many properties sit high above the level of the road and have retaining walls to the front. Front boundary treatments in the immediate surrounding area vary

considerably and are by no means uniformed. Whilst some properties have low level boundary treatments, allowing open views over their front gardens, high boundary walls, fences and planting adjacent to the public footways also feature very strongly.

6. The solid timber gates, which I am advised were constructed in July 2021, are approximately 1.8m high and 2.6m wide, attached to timber posts that are just below 2m high. They form a very small part of the overall site frontage. The wood has mellowed in colour due to its age and the gates are lower than the high hedgerows to either side of it. It appears that the dropped kerb providing vehicular access to the private driveway and garage have been present for many years.
7. I therefore conclude that the gates are not excessive in height having regard to the hedges on either side of them and are not incongruous or discordant with their varied surroundings. Consequently, the development accords with Policies DS1 and DS3 of the Core Strategy Development Plan Document (July 2017), which seek to ensure development achieves good design that is appropriate to its local context. I also find no conflict with the guidance set out in section 11 of the Householder Supplementary Planning Document.

Conditions

8. The Council has suggested a condition is imposed to prevent the gates from opening out over the highway. The gates were closed at the time of my visit albeit the external hinges suggest that they do only open outwards. When open they would therefore obstruct the footpath and force pedestrians to walk into the road or to cross over the road to the footpath on the other side. However, given the very limited space between the garage and the gates, it would not be possible to open or close the gates with a vehicle parked on the driveway, if they were rehung to open inwards only. Part of the appellant's explanation for requiring the gates is to protect their property, including their car when it is parked on their drive. The application form description also explains that the gates are fitted with springs, to ensure they always remain closed when not in use. I am therefore satisfied that the gates would always be closed except when persons or vehicles are entering or exiting the site. Whilst the gates opening out over the public footway is not ideal, the same could occur if gates not exceeding one metre high were constructed without the need for planning permission. Furthermore, the sprung gates being held open to allow a motor vehicle to enter or exit would alert pedestrians to such activity and reduce the risk of collision between them. The road outside of the site is not particularly busy, being a very short stretch of residential street between two junctions. A condition to ensure the gates remain sprung to ensure they remain closed when not in use would be sufficient to avoid any long-term obstruction to the highway, which the Highway Authority no doubt would have powers to enforce.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

R Bartlett

INSPECTOR