
Appeal Decision

Site visit made on 3 June 2025

by **A Caines BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/W4705/W/25/3363453

71 Cygnet Way, Shipley BD17 7FB

- 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 Dale Tabiner against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/04110/FUL.
 - The development proposed is change of use of land to extend residential curtilage to 71 Cygnet Way and installation of 1.8m high boundary fence (retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the planning application form includes superfluous information that is not an act of development, so I have used the description that is common to the appeal form and the Council's decision notice.
3. As the application was made retrospectively, I was able to view the development in situ.

Main Issues

4. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the setting of the Leeds & Liverpool Canal Conservation Area (the CA).

Reasons

5. Cygnet Way is a modern, linear residential estate adjacent to the Leeds & Liverpool Canal, which is designated as a conservation area. The appeal site lies at the end of the cul-de-sac, between the turning head and the canal. Evidence suggests that the land was originally intended to form part of the wider area of greenspace at the end of the street, though it is now in the appellant's ownership.
6. The CA is valued for the historic structures along its length, such as locks, bridges, warehouses, and towpath, as well as for its cultural and recreational significance. Although the appeal site lies just outside the CA boundary, it forms part of the setting in which the heritage asset is experienced.
7. The development includes a 1.8 metre high fence along the boundary with the turning head. Despite its 'open board' design, the fence's height, length, and

proximity to the footway create a visually dominant barrier. It obstructs views of the canal and weakens the visual relationship between the street and the CA.

8. Additionally, when viewed from the canal and its towpath, the fence appears as a prominent and intrusive feature within an otherwise open and green area that contributes positively to the CA's setting. While other properties on Cygnet Way have similar types of fencing, those examples are generally shorter, taper in height, or do not extend into the greenspace, making them less visually intrusive.
9. The Council's Conservation Area Assessment lists inappropriate boundary features and the negative contribution of some of the buildings along the canal as threats to the CA. The 1.8 metre high fence at the appeal site exemplifies these concerns and detracts from both the street scene and the experience of the CA.
10. The harm to the significance of the CA is limited in extent and as a result can be classed as less than substantial. However, even less than substantial harm to a designated heritage asset must be given considerable importance and weight.
11. While I acknowledge the appellant's desire to define private space, deter unauthorised access, and contain children and pets, these cited benefits are not sufficient to outweigh the harm identified, and it is likely that less harmful options could achieve similar objectives.
12. I therefore conclude that the fence causes unacceptable harm to the character and appearance of the area, including the setting of the CA. As such, the development conflicts with Policies EN3, DS1, and DS3 of Bradford's Core Strategy Development Plan Document (2017), which require high-quality design that conserves and where appropriate enhances the historic environment and contributes positively to local character.

Other Matters

13. I note the fence's inclusion on a plan apparently linked with a Section 38 highways adoption agreement. However, this has no bearing on the planning merits of the case and does not alter my assessment.

Conclusion

14. The proposal is contrary to the development plan as a whole, and no material considerations have been presented that would justify a decision otherwise. Accordingly, the appeal is dismissed.

A Caines

INSPECTOR