



Appeal Decision

Site visit made on 23 September 2025

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 01 October 2025

Appeal Ref: APP/W4705/C/24/3356273

71 Selborne Grove, Keighley BD21 1HP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Shamima Khanom Uddin against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The notice was issued on 17 October 2024.
 - The breach of planning control as alleged in the notice is without planning permission, erection of a single storey rear extension, with canopy, walling to the rear boundary of the property, front and rear dormer window roof extensions, impermeable hard surface to the front of the property and an outbuilding to the front of the property.
 - The requirements of the notice are to:
 - 1) Demolish and remove from the land the projecting canopy structure and supporting columns from the unauthorised rear extension; and
 - 2) Demolish and remove the unauthorised dormer window from the front roof slope of the property; and
 - 3) Remove the existing grey cladding material from the front and side elevations of the unauthorised rear dormer windows and reclad using materials to match the existing roof; and
 - 4) Reduce the height of the walling to the rear boundary of the property to 1m from ground level where adjacent to the highway; and
 - 5) Grub up and remove from the land all unauthorised hard surfacing formed forward of the front elevation of the property; and
 - 6) Demolish and remove the unauthorised outbuilding to the front of the property.
 - The period for compliance with the requirements is three calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (g) 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.
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Decision

1. The appeal is allowed insofar as it relates to the erection of a single storey rear extension, and front and rear dormer window roof extensions and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the erection of a single storey rear extension and front and rear dormer window roof extensions at 71 Selborne Grove, Keighley BD21 1HP.
2. The appeal is dismissed and the enforcement notice is upheld as insofar as it relates to the erection of a rear canopy, walling to the rear boundary of the property, an impermeable hard surface to the front of the property, and an outbuilding to the front of the property, and planning permission is refused in respect of the erection of a rear canopy, walling to the rear boundary of the property, an impermeable hard surface to the front of the property, and an outbuilding to the front of the property at 71 Selborne Grove, Keighley BD21 1HP on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a)

3. An appeal on ground (a) is brought on the basis that planning permission ought to be granted for the breach of planning control stated in the notice. Where an appeal on ground (a) is duly made, an application for planning permission is deemed to have been made.

Main Issues

4. The main issues are the effect of the development on: the character and appearance of the area; and flood risk and drainage.

Character and appearance

5. The appeal site is a terraced dwelling at No. 71 Selborne Grove, which has been converted into a single dwelling with No. 69 and backs onto Upper Hird Street. The surrounds are residential, made up of terraced properties largely constructed from traditional materials, albeit with numerous front and rear dormer additions. On Selborne Grove the properties face Lund Park, and along Upper Hird Street low boundary walls ensure they do not feel enclosed, such that overall the dwellings are readily visible in the surrounds. The development is the erection of a single storey rear extension with canopy, walling to the rear boundary, front and rear dormer window roof extensions, and hard surface to the front.

Rear Extension and Canopy

6. In respect of the rear extension with projecting canopy, the notice alleges that it causes harm due to its prominent position and design and requires the projecting canopy and supporting columns to be removed.
7. The appellant asserts that the rear extension element, without the canopy, benefits from permitted development rights. However, there is no ground (c) appeal before me. Nevertheless, this part of the development is constructed from materials to complement the rest of the dwelling, and is of a height, footprint, and projection that appears subservient to the appeal property and does not read as unduly prominent from Upper Hird Street. This rear extension is clearly severable from the canopy element and, in its own right, does not cause visual harm to the character and appearance of the area.
8. The canopy has a modest projection, and its roof largely continues that of the extension. However, combined with the rear extension, it creates an overall sizeable projection, which reads as dominant in the rear garden. The resulting configuration of built form overwhelms the rear façade and fails to respect the modest dimensions and character of the dwelling. Furthermore, I observed the materials of the canopy to read as overtly contemporary in the context of the appeal property. Even noting the presence of the dormer windows, the glass balustrades and finish of the supporting canopy columns fail to respect the more traditional external materials on the lower floors of the appeal property, and do not appear to reflect the predominant design and feel of the immediate surrounds.
9. There is limited consistency to the pattern of development to the rear of Selborne Grove, and a range of structures and additions exist in the rear gardens. However, even among this diversity, canopies and supporting columns are not a common feature, causing those at the site to read as incongruous additions, readily experienced from Upper Hird Street. Although it has the benefit of providing shelter

for residents of the appeal property, this does not outweigh the visual harm caused by the canopy element and supporting columns.

Rear Boundary Walling

10. In respect of the rear boundary walling, the notice alleges that it causes harm due to its height and appearance. The appellant argues that the pillars forming the boundary walls with neighbouring properties benefit from permitted development rights. In this regard, and while I note the comments of interested parties, the notice requires only those sections adjacent to the highway to be reduced in height to 1m.
11. The rear boundaries of the Selborne Grove properties are readily experienced from Upper Hird Street. While a range of structures such as outbuildings and extensions are visible from this location, boundary walls abutting the highway are largely of a modest height and constructed from similar materials. This lends a sense of openness to the street and provides an element of consistency among the otherwise varied built form and development in the rear gardens.
12. In this context, the tall white pillars of the rear boundary walling abutting the highway appear as sizeable features and dilute the uniformity of walls in this position. Although other boundary features are visible, such as gates and fencing, pillars such as those at the development are not present, and they introduce an incongruous and visually jarring feature to the streetscape.
13. The appellant refers to various fallback positions. This includes the erection of a 1m high fence in place of the rear wall. The lower height of such a fence, alongside the gates and fencing already visible from Upper Hird Street, would not result in visual harm to the same degree as the tall pillars. Although reference is also made to erecting an outbuilding, there is nothing before me to suggest a realistic possibility of this occurring. In any event, outbuildings are not uncommon features in this location. Overall, the fallback positions do not justify the development.
14. The appellant further refers to pillars forming the boundary walls with neighbouring properties, and states that these benefit from permitted development rights. However, the allegation in the enforcement notice only refers to the walling to the rear boundary of the property, and not those sections on the side boundaries adjacent to neighbouring dwellings, such that these do not form part of the matters before me.

Outbuilding

15. In respect of the outbuilding to the front of the property, the notice alleges that its size, design and prominent siting forward of the principal elevation result in visual harm, and requires it to be demolished and removed.
16. I observed the outbuilding to be a sizeable addition to the front area at No. 71 which, despite its flat roof, rises above the front and side boundaries so as to be visible from both neighbouring properties and the public realm of the adjacent park. While the appellant states that other properties benefit from outbuildings to the front, I did not find this to be a common or defining feature of the street. Accordingly, the outbuilding appeared visually jarring in this position. Taking all of this together, I found it to result in notable visual harm in the immediate surrounds.

Dormer Extensions

17. In respect of the front and rear dormer windows, the notice alleges that their size, design, prominent position, and use of materials result in visual harm. While it requires removal of the front dormer, for the rear dormer it requires only that the materials are altered to match the dwelling. A variety of front and rear dormer windows exist on the street, constructed from a range of materials. In this context, the materials of the dormer windows at the site are not out of place. While they do not match the materials of the main dwelling, among the eclectic design and finish of other dormers on the street, they do not appear incongruous.
18. With regard to front dormers along Selborne Grove, a number of these are clearly visible from Lund Park. While many of these are subtle additions, reading as subservient within the roofscape, numerous examples of more sizeable front dormers are also present in close proximity to the appeal property. In particular, I observed sizeable front dormers towards the junction with Grafton Road. In the context of these additions, the front dormer window at the site does not read as excessive in scale or at odds with the surrounds.
19. For the reasons given above, the rear canopy, walling to the rear boundary of the appeal property, and outbuilding of the development result in harm to the character and appearance of the area. As such, they fail to comply with Policies DS1, DS3, DS5 and SC9 of the City of Bradford Core Strategy Development Plan Document (the DPD) in addition to the provisions of the National Planning Policy Framework (the Framework) insofar as they seek to ensure good, high quality design of development that is appropriate to its context.
20. For the reasons given above, the single storey rear extension and front and rear dormer window roof extensions do not result in harm to the character and appearance of the area. As such, they comply with the above policies.

Flood Risk and Drainage

21. Part of the development comprises hard surfacing to the front of the appeal property, which I observed during my visit. While surrounding properties on Selborne Grove feature a mixture of both hard and soft landscaping to the front, providing an element of porous materials, the front area of the appeal site has been entirely covered in hardstanding. In addition, I did not observe any facility for drainage in the front area of the site, nor has my attention been drawn to anything of this nature.
22. I note the appellant's position that the appeal site lies in Flood Zone 1 and has not been identified as being at risk of surface water flooding. Nevertheless, there is no surface water drainage provision in the front area of the appeal site, which creates potential for runoff onto adjacent land. In the absence of any compelling evidence or assessment on drainage and flood risk I cannot be certain, on the information provided, that the hard surfacing of the development would not result in harm in these regards.
23. For the reasons given above, on the information before me I cannot be certain that the development would not result in significant adverse effects with regard to flood risk and drainage. As such, it fails to comply with Policies EN7 of the DPD in addition to the provisions of the Framework insofar as it seeks to minimise runoff from new development.

Other Matters

24. The main parties agree that the development would not cause harm to the living conditions of occupiers of neighbouring dwellings or highway safety and, based on my observations, I have no reason to disagree. This is a lack of planning harm, neutral in the overall balance.
25. The appellant refers to a rear extension on Selborne Grove, facing Upper Hird Street. I have limited information on the planning circumstances under which such a scheme was approved. In any event, each scheme is decided on its own site-specific merits. I have found the development to result in planning harm for the reasons outlined above, and reference to schemes elsewhere does not outweigh this harm or provide justification for the development.

Conditions

26. The main parties have not suggested conditions relating to the development and, based on my observations I do not deem any conditions to be necessary.

Conclusion

27. For the reasons given above I conclude that appeal on ground (a) should succeed in part only, and I will grant planning permission for the erection of a single storey rear extension and front and rear dormer window roof extensions but otherwise I will uphold the notice and refuse to grant planning permission in respect of the erection of a rear canopy, walling to the rear boundary of the property, an impermeable hard surface to the front of the property, and an outbuilding to the front of the property. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of Act.

Appeal on ground (g)

28. An appeal on ground (g) is brought on the basis that the time period for compliance in the notice falls short of what should reasonably be allowed.
29. The enforcement notice gives three calendar months for compliance. In arguing that this is unreasonable, the appellant refers to the range of works to be undertaken, and the potential for a language barrier to cause further delays.
30. I find that a period of three months would be sufficient to enable the appellant to carry out the steps required by the notice, particularly given that I am granting planning permission for the front and rear dormers. There is nothing compelling before me to suggest that this could not be achieved within the given time period. This would ensure that the identified planning harm is dealt with in the necessary expedient manner.
31. The appeal on ground (g) therefore fails.

Overall Conclusion

32. For the reasons given above I conclude that appeal should succeed in part only, and I will grant planning permission for the erection of a single storey rear extension and front and rear dormer window roof extensions but otherwise I will uphold the notice and refuse to grant planning permission in respect of the erection of a rear canopy, walling to the rear boundary of the property, an impermeable hard surface to the front of the property, and an outbuilding to the front of the property.

The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of Act.

C Rafferty

INSPECTOR