



Appeal Decision

Site visit made on 10 October 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/W4705/D/25/3370260

55 Low Fell Close, Keighley, Bradford BD22 6ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Holmes against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 25/01958/HOU.
 - The development proposed is described as alterations to levels in rear garden and construction of retaining wall with fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application made clear that the scheme had been submitted retrospectively; however, I observed during my site visit that the works, whilst commenced, have not been completed in accordance with the proposal before me. I have dealt with the proposal on a part retrospective basis.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of occupiers of No. 61 Low Fell Close.

Reasons

4. The appeal site is a detached property located on a modern housing estate within a predominantly residential area. No's 57, 59 and 61 are located along the eastern boundary of the appeal site, with their rear elevations and private garden areas facing directly onto the appeal site.
5. The appeal site's rear garden slopes unevenly from the western boundary to the eastern boundary, and from the appeal property's raised deck down towards the rear boundary. I understand, from the Council, that levels have been raised by approximately 1.5m, and are proposed to be increased further. The Council also contend that original land levels of the rear garden were commensurate with the neighbouring property, No. 61.
6. A retaining wall has been erected between No. 61 and the appeal property to accommodate increasing the land level. The details provided are limited in terms of former land levels, however, third parties refer to photographs provided to the Council relating to the previous scheme; whilst these have not been provided, I

note that the appellant does not dispute the Council's account in their Statement of Case. I also note that an Inspector in a previous dismissed appeal¹ discussed a potential discrepancy between the plans submitted by the appellant in respect of the 'previous garden level', and the evidence provided by third parties and observations they made onsite.

7. The proposal before me seeks to revise the previously dismissed appeal proposal. The alterations include removal of the horizontal solid boarding to replace it with a 600mm high hit and miss vertical timber fence, resulting in a reduction in height of the boundary between the appeal site and No. 61 to that of approximately 2240mm from that previously proposed.
8. Notwithstanding the proposed reduction in boundary treatment, or the planting proposed along the boundary with No. 61, due to the orientation of the plot and modest rear garden, a 2240mm rear boundary to the western boundary would be overbearing and create a sense of enclosure. The increase in land levels would allow for direct overlooking above the proposed boundary towards No. 61, significantly diminishing the enjoyment of their property.
9. I find that the proposed development would harm the living conditions of the occupiers of No. 61 Low Fell Close. There is conflict with Policy DS5 of the Local Plan for Bradford District Core Strategy Development Plan Document (2017), which amongst other things, seeks to protect the amenity of existing or prospective residents.
10. There is also conflict with the Local Development Framework for Bradford Householder Supplementary Planning Document, which seeks to safeguard the privacy and amenity of neighbours from new developments.

Other Matters

11. The appellant has highlighted that the development is required due to personal circumstances in terms of medical need. I have been provided with evidence to substantiate the medical issue and adjustments required for the occupant. The best interests of a child is a primary consideration, and I do not doubt the benefit a more useable space would have both on physical and mental wellbeing.
12. Nevertheless, the information provided does not substantially demonstrate that this is the only way to provide useable private garden space to accommodate the needs of the appellant's family. The raised land levels and boundary treatment would exacerbate overlooking and dominate the neighbouring property. I find that the adverse impact of this decision on the best interests of the child is proportionate in the circumstances.

Conclusion

13. For the above reasons, I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR

¹ APP/W4705/D/24/3353112