



Appeal Decisions

Site visit made on 21 October 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal A Ref: APP/W4705/C/24/3354881

Appeal B Ref: APP/W4705/C/24/3354882

26 Harper Grove, Bradford BD10 8NX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”).
 - Appeal A is made by Mrs Joanne Hotte and Appeal B is made by Mr Kristian Hotte against an enforcement notice (“EN”) issued by the City of Bradford Metropolitan District Council.
 - The EN was issued on 17 September 2024.
 - The breach of planning control as alleged in the EN is: Without planning permission, the construction of a raised timber platform and supporting structure in the rear garden area.
 - The requirements of the EN are to:
 - i. Demolish the unauthorised raised timber platform and supporting structure;
 - ii. Remove all arising materials from the land.
 - The period for compliance with the requirements is: Two calendar months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a) and (f) of the 1990 Act. Since appeals have been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Decision – Appeal A and Appeal B

1. It is directed that the EN is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Preliminary Matter

2. Information has been provided regarding a dispute between the appellants and the occupiers of a neighbouring property. The appellants have also indicated that the enforcement action has caused them undue stress. While these matters are acknowledged, I must determine the appeals in the public interest.

Appeals on Ground (a) and the Deemed Planning Permission

3. An appeal under ground (a) is that planning permission should be granted for the matters alleged. The **main issue** is the effect of the development on the living conditions of the occupiers of neighbouring properties with regards privacy.

Reasons

4. The appeal site comprises a semi-detached, two-storey dwelling located on a residential street. The street slopes upwards from east to west. Consequently, 28 Harper Grove is sited on a lower ground level than the appeal site. The rear gardens of the dwellings on the southern side of the street slope downwards from the dwellings’ rear elevations towards an area of open space/a burial ground. From what I saw during my site visit, the slope within the rear gardens was not overly steep.

5. A raised timber platform and supporting structure (“the raised platform”) has been constructed across approximately half of the appeal site’s rear garden. It extends up to the boundaries shared with the neighbouring properties (24 and 28 Harper Grove) and up to the dwelling’s rear boundary. A low level post and rail timber fence has been constructed around three sides of the raised platform, and an open-sided pergola has been erected within the southwestern corner immediately adjacent to No 24.
6. The raised platform has created a large, level expanse of decking that is elevated above the gardens on either side. A person sitting or standing on the raised platform can clearly see over the fence that demarcates the boundary with No 28. Consequently, the raised platform creates a vantage point that affords an unrestricted view over the rear garden of No 28, thereby significantly affecting the privacy of the occupiers of this property.
7. Since the raised platform was constructed, the occupier of No 24 has erected a fence within their rear garden that extends along the inside of the boundary fence shared with the appeal site. The newly constructed fence is taller than the boundary fence. I appreciate that this fence restricts overlooking from the raised platform into the rear garden of No 24. However, it is unclear whether, if required, planning permission has been obtained for this fence. Furthermore, I cannot condition its retention and therefore, I cannot rely upon this fence being in-situ in perpetuity. If the newly constructed fence was removed, the raised platform would afford an unrestricted and elevated view over the rear garden of No 24, significantly affecting the privacy of the occupiers of this property.
8. The appellants have suggested modifications to the raised platform including replacing the post and rail fence with a solid fence or completely enclosing the raised platform with trellis, bamboo or a fence. The Council has also suggested the imposition of a condition requiring the construction of a solid screen of 1.8m in height along the eastern and western sides of the raised platform.
9. These modifications, however, would require planning permission in their own right. Furthermore, conditioning a scheme to be agreed with the Council would deprive interested parties an opportunity to comment. Even if I could consider these modifications, they are likely to adversely affect the living conditions of the occupiers of neighbouring properties from an overbearing effect and/or a loss of light.
10. I have been directed to a planning permission¹ at 22 Harper Grove that the appellants assert is *“for a similar, yet more intrusive structure...which has windows and as such, is capable of overlooking neighbouring properties thus effecting privacy levels”*. Other than the reference number, I have not been provided with details of this planning permission and therefore I am unable to determine whether it is directly comparable to the raised platform. In any event, I must determine each case on its own merits.
11. For these reasons, the raised platform has a detrimental effect on the living conditions of the occupiers of neighbouring properties with regards privacy. It conflicts with Policy DS5 of the Local Plan for the Bradford District Core Strategy Development Plan Document, adopted 2017 which, amongst other things, seeks

¹ Planning Ref 05/02305/FUL

to ensure that development proposals do not harm the amenity of existing or prospective users and residents.

Other Matters

12. The appellants assert that prior to the construction of the raised platform, the rear garden was unsafe and inaccessible, and they describe “a huge drop being significant”. They also state that removing the raised platform would cause danger to their young children. However, these matters have not been substantiated with evidence. Even if these matters could be demonstrated, I am not persuaded that the rear garden could not be made safe and accessible by other methods that would not cause harm to the living conditions of the occupiers of neighbouring properties.
13. The appellants assert that the raised platform has encouraged social interactions with their neighbours. However, one neighbour has raised concern regarding the raised platform. Furthermore, I am not persuaded that social interactions with neighbours could not be achieved by other means other than the raised platform.
14. The appellants state that the raised platform has helped them in waste handling, recycling and storage. At the time of my site visit, waste receptacles were stored immediately adjacent to the rear elevation of the dwelling, not on the raised platform, and there is additional space to the side of the dwelling. Therefore, I am unclear how the raised platform is required for these purposes.
15. The appellants have felled four large trees in their rear garden which they state has improved light levels for themselves and their neighbours, helped deter crime, and improved accessibility on the bridleway to the rear of the properties. However, the benefits associated with the felling of the trees could have been realised without the construction of the raised platform.
16. Concern is raised regarding the money spent constructing the raised platform, the cost of removing it, and the value the raised platform has added to the property. The appellants also assert that the occupiers of No 28 have not raised an issue with the raised platform. However, this does not free me of my obligation to determine the appeals in the public interest.
17. The appellants consider that the raised platform is constructed to a good standard and does not affect the character and appearance of the surrounding area. However, the Council has not raised this matter as a reason for issuing the EN.

Conclusion on Ground (a) and the Deemed Planning Permission

18. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeals on ground (a) should be dismissed, and the deemed planning permission should be refused.

Appeals on Ground (f)

19. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, remedy any injury to amenity which has been caused by any such breach.

20. I have considered the appellants' suggested modifications under ground (a) and found them to be unacceptable. Furthermore, the matter of whether the raised platform's effect on privacy has subsequently been resolved and the financial implications for the removal of the raised platform are material considerations which are not pertinent to a ground (f) appeal. Consequently, I have considered them under the ground (a) appeals.
21. The requirements of the EN are for the raised platform to be demolished and the associated materials removed from the land. The purpose of the EN is therefore to remedy the breach of planning control. Therefore, any step lesser than the removal of the raised platform would not remedy the breach.
22. Consequently, the steps required by the EN are not excessive to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Overall Conclusion

23. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the EN and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

A Berry

INSPECTOR