



Appeal Decision

Site visit made on 8 December 2025

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 07 January 2026

Appeal Ref: APP/W4705/F/23/3335880

Land at 15 Sawrey Place, Bradford BD5 0DA

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act, 1990.
 - The appeal is made by Mr Mohammed Hanif Khan against a listed building enforcement notice issued by City of Bradford Metropolitan District Council.
 - The listed building enforcement notice was issued on 16 November 2023.
 - The contravention of listed building control alleged in the notice is: Without listed building consent the construction of a first floor rear extension to the building and alterations to the existing single storey rear section of the property.
 - The requirements of the notice are to:
 - i. Demolish the unauthorised first floor rear extension to the building and remove all arising materials from the land
 - ii. Reinstatement the whole of the single storey rear section of the building to its former design and appearance
 - iii. Make good any damage to the listed building.
 - The period for compliance with the requirements is six calendar months.
 - The appeal is made on the grounds set out in section 39(1) (e), (d), (g) and (k) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
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Decision

1. The appeal is allowed, and the listed building enforcement notice is quashed. Listed building consent is granted for the retention of a first floor rear extension to the building and alterations to the existing single storey rear section of the property at 15 Sawrey Place, Bradford BD5 0DA and subject to the following condition:
 - 1) The first floor rear extension to the building shall be demolished, the single storey rear section of the building reinstated to its former design and appearance and any damage to the listed building arising from those works shall be made good and all arising materials removed from the Land within 2 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 2 months of the date of this decision a scheme for the replacement of the dry plastic verges with wet verges and replacement of plastic rainwater goods with cast iron or cast aluminium gutters and downpipes shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

- 2. The appeal was submitted on grounds (d), (g) and (k). However, it is clear from all the evidence submitted that the appellant, who is unrepresented, considers that listed building consent should be granted for the works. There is thus a hidden ground (e). The local planning authority have been given the opportunity to submit a further statement to address the ground (e) evidence, and the appellant has had an opportunity to make final comments. No party has therefore been prejudiced by my consideration of ground (e) in this appeal.

Appeal on ground (d)

- 3. The ground of appeal addresses situations where essential and urgent works were needed to preserve the listed building. The emphasis is on the words '*essential*' and '*urgent*' and the '*need to preserve*'. This ground of appeal comprises three tests. The first test is whether the works were urgently necessary in the interests of safety and health; the second test is that it was not practicable to achieve the aims of safety, health or preservation of the building by repair or temporary support, and the third test is that the works carried out were the minimum measures immediately necessary to achieve the aims of safety, health or preservation. For the appeal to succeed on ground (d), all three tests must be met, and the onus is on the appellant to conclusively show that this is the case.
- 4. The appellant contends that as a requirement of his mortgage it was necessary for him to rebuild the outer wall bordering No 13 Sawrey Place due to bulging. On commencement of those works the wall collapsed onto the kitchen roof below. The kitchen walls were also damaged. At that time his original planning/listed building application for a first-floor extension and dormer had been refused. However, the condition of the house was that it had no internal toilet. The appellant states that his builder advised that considering the precedent for first floor rear extensions on the existing terrace, he should be able to get retrospective permission. He therefore decided as an emergency solution to build the first-floor extension and stabilise the property, tying the old wall into the new ones. He believed it was necessary for him to provide toilet facilities which could drain to the rear of the property, as there were no other toilets in the property at that time. He employed a private building control company to oversee the works.
- 5. The local planning authority state that when the appellant made his applications for planning and listed building consent for a first-floor rear extension, he made no reference to the need to carry out urgent works and provide bathroom facilities.

6. I recognise the appellant's endeavours to renovate this property and return it to a family home. It is also apparent from the documentation submitted that remedial works were required to the rear elevation of the property. There is no reason to dispute that on commencement of those works the rear elevation collapsed and there was an urgent need for health and safety to carry out remedial works. However, I am not persuaded that the works undertaken in the construction of a first-floor extension were the minimum measures immediately necessary for the preservation of the building. The minimum measures would have been to rebuild the walls to their original alignment and/or provide some temporary support. Consequently, the tests I have set out above have not all been satisfied, and the appeal on ground (d) fails.

Appeal on ground (e)

Main Issue

7. The appeal on ground (e) is that listed building consent (LBC) ought to be granted for the works the subject of the notice and the main issue is whether the works preserve the special architectural and historic interest of the listed building.
8. The appeal site is also located within Little Horton Lane Conservation Area (CA). It is located on one of several similar residential streets which are characterised by two storey town houses originally built as desirable suburbs for the expanding middle class population of tradesmen associated with the industrial and textile trade during the late 19C. The appeal property is constructed in local stone with a slate roof and a stone boundary wall with gateposts and railings which enclose its forecourt garden. The scale, form and traditional materials of the property all contribute to the rhythm of the street and reinforce the coherent character and appearance of the CA.

Reasons

9. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended (the Act), requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
10. 15 Sawry Place forms part of a terrace of small two-storey sandstone town houses constructed around 1845. The terrace was listed in 1977 for its group value. From the evidence before me, including the list description and observations on my site visit, the special interest and significance of the appeal property as a heritage asset is largely derived from its historic interest as an early example of small-scale residential development at the beginning of the mid-century building boom. Its traditional materials and vernacular form also contribute to its special interest.
11. The works the subject of this appeal comprise the construction of a first floor rear extension above part of an original single storey outrigger which has also been modified as part of those works. The local planning authority considers that the development the subject of those works is harmful to the character and appearance of the Listed Building by virtue of their design and appearance. They refer to the loss of an existing arched staircase window and an interruption to the eaves line of the roof.

12. As set out above, the Act requires that when considering whether to grant LBC for any works, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The test is not the effect on the character and appearance of the Listed Building.
13. Many of the properties which form part of the “listed” group (Nos 1-21, Sawry Place) have been extended and altered to accommodate the changing needs of their occupiers over the years. I also noted that many of those listed properties have also lost their traditional joinery. However, as a group they retain their heritage significance and historic interest as an early example of small-scale residential development at the beginning of the mid-century building boom. The use of local stone, enclosed frontages, consistent scale, rhythm and general form, including roofscape and chimneys reinforce their historic coherent sense of place which also is a characteristic of this part of the CA.
14. The first-floor extension has been constructed at the rear of the building. It is constructed in local stone to match the existing property and has a gabled pitch roof, covered in slate. Although the pitch of the roof breaches the dwelling’s eaves line, that is not an unusual detail for a gabled rear extension. Furthermore, the ridge line of the rear extension sits below that of the original terrace and thus the extension appears subservient and proportionate to the host dwelling. The windows have a vertical emphasis with stone heads and cills, which match the fenestration of the host property. Although the original arched staircase window is obscured, the identified historic interest and heritage significance of the property has been preserved. I accept that the use of decorative plastic edging to the verges, plastic rainwater goods and white fascia boards are not traditional details on this vernacular building. However, I am satisfied that the imposition of a condition to replace those details with a wet verge and cast iron/aluminium rainwater goods would be reasonable and necessary, and compliance with that condition would preserve the special interest of the building.
15. From the evidence available no historic fabric or features of the building have been lost and subject to a condition requiring the removal of the decorative plastic dry verge details and replacement with wet verges and the replacement of plastic gutters/downpipes with cast iron or aluminium systems, the historic interest of the building would be preserved. The character and appearance of the CA will also be preserved. The works would comply with the Act and there would be no conflict with the heritage aims of the National Planning Policy Framework, nor with the design and heritage aims of Policy EN3 of Bradford’s Local Plan, Core Strategy Development Plan Document.

Condition

16. Condition 1) is imposed to ensure that a scheme to remove the decorative plastic dry verge detail and replace with a wet verge and to replace the plastic gutters/downpipes with cast iron or cast aluminium systems are submitted, approved and implemented so as to preserve the special interest of the listed building. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of those required outstanding matters before the work takes place. The condition will ensure that the development can be enforced against if the required details are not submitted for

approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

Other Matters

17. I have had regard to a neighbouring resident's concern regarding the impact of the development on his property. I understand that the works were undertaken with building regulation approval, however, that is a separate legislative matter to the main issue being considered in this appeal. The appeal before me is in relation to a listed building enforcement notice. Planning considerations, including loss of daylight/sunlight are not therefore matters for my consideration in this appeal.

Conclusion

18. For the reasons given above, I conclude that while the appeal on ground (d) fails, the appeal on ground (e) succeeds. The appeal on grounds (g) and (k) do not therefore fall to be considered.

Elizabeth Pleasant

INSPECTOR