

Agenda for a meeting of the Area Planning Panel (Bradford) to be held on Wednesday, 27 April 2022 at 10.00 am in Council Chamber - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
Engel Amran Cunningham S Khan	K Green Riaz	Stubbs

Alternates:

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT	BRADFORD SOUTH INDEPENDENT GROUP
Lal Azam Shafiq Firth	Glentworth	R Ahmed	J Clarke

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0930 in room 202 on the day of the meeting.**
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.
- **Anyone wishing to speak to any of the business items on the agenda must register to speak** by emailing the Governance Officer by midday on Monday 25 April: susan.booth2@bradford.gov.uk. Please provide a telephone contact number, together with details of who will be speaking and the application reference number or site address. You will then be advised on how to participate in the meeting.

From:

Bryn Roberts
Interim City Solicitor
Agenda Contact: Su Booth
Phone: 07814 073884
E-Mail: susan.booth2@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 23 February 2022 be signed as a correct record.

(Su Booth – 07814 073884)

4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Su Booth – 07814 073884)

5. PUBLIC QUESTION TIME

(Access to Information Procedure Rules – Part 3B of the Constitution)

To hear questions from electors within the District on any matter which is the responsibility of the Panel.

Questions must be received in writing by the Interim City Solicitor in Room 112, City Hall, Bradford, by mid-day on Monday 25 April 2022.

(Su Booth – 07814 073884)

B. BUSINESS ITEMS

6. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL 1 - 24

The Panel is asked to consider the planning applications which are set out in **Document “K”** relating to items recommended for approval or refusal.

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	5 Ashburnham Grove Bradford BD9 4NX - 22/00659/HOU [Approve]	Manningham
B	6 Duckworth Lane Bradford BD9 5EP - 22/00316/FUL [Approve]	Toller
C	Land North Of Leylands Medical Centre 81 Leylands Lane Bradford BD9 5PZ - 21/04792/FUL [Refuse]	Heaton

(Mohammed Yousuf – 01274 434605)

7. MISCELLANEOUS ITEMS

25 - 60

The Panel is asked to consider other matters which are set out in **Document “L”** relating to miscellaneous items:

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(15)
Decisions made by the Secretary of State - Allowed	(5)
Decisions made by the Secretary of State - Dismissed	(17)

(Muhammed Yousuf – 01274 434605)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 27 April 2022

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	5 Ashburnham Grove Bradford BD9 4NX - 22/00659/HOU [Approve]	Manningham
B	6 Duckworth Lane Bradford BD9 5EP - 22/00316/FUL [Approve]	Toller
C	Land North Of Leylands Medical Centre 81 Leylands Lane Bradford BD9 5PZ - 21/04792/FUL [Refuse]	Heaton

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

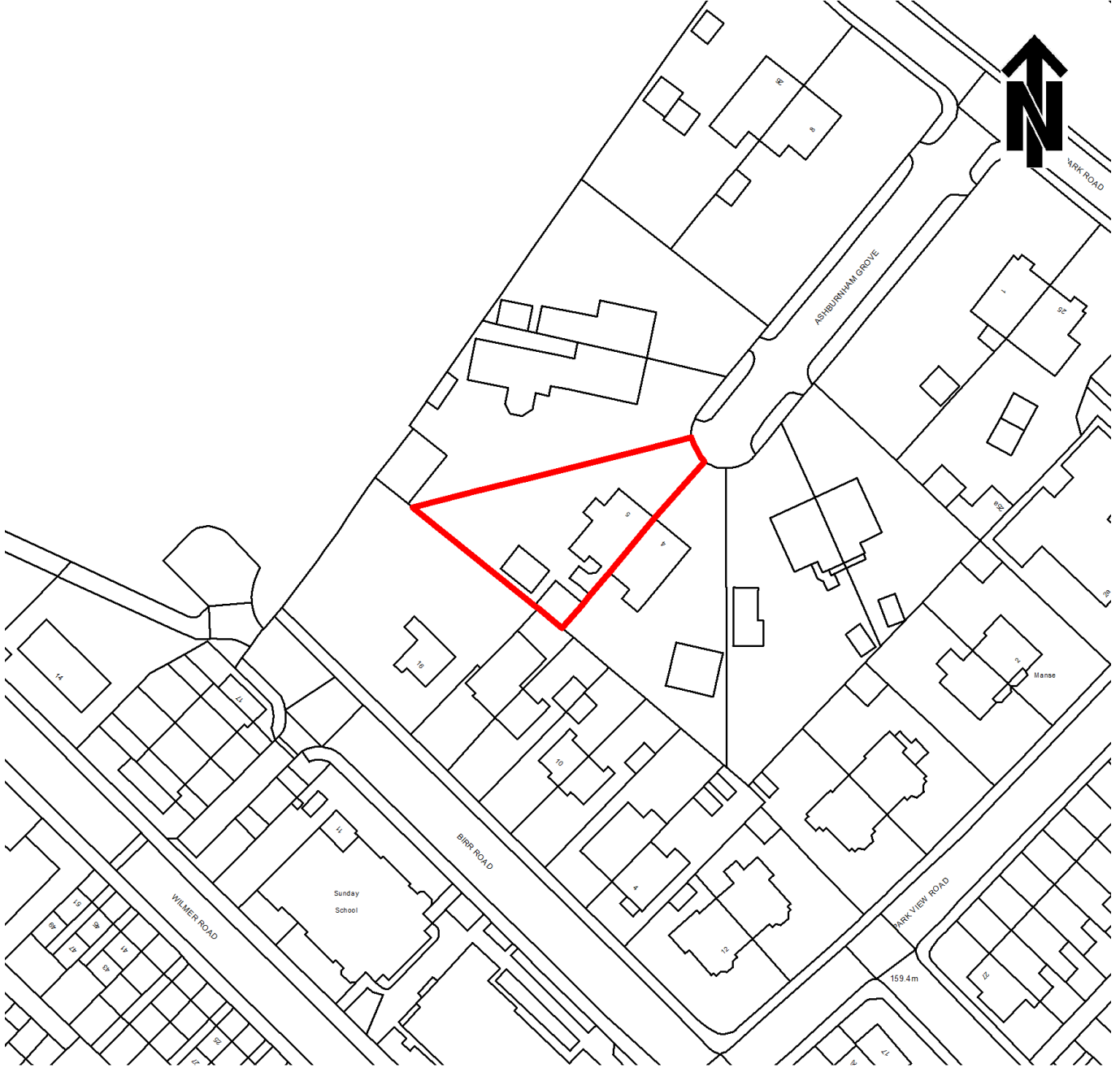
Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

22/00659/HOU



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**5 Ashburnham Grove
Bradford
BD9 4NX**

27 April 2022

Item: A
Ward: MANNINGHAM
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
22/00659/HOU

Type of Application/Proposal and Address:

This is a householder application for the construction of a single storey extension to the rear of 5 Ashburnham Grove, Bradford.

Applicant:
Mr Shabir Hussain

Agent:
Zakaria Chhima of Faum Architecture

Site Description:

5 Ashburnham Grove is an attractive stone built semi-detached property at the end of a tree lined residential street. The property is accessed via large gates into the site and has a large canopy feature to the front with a bay window and balcony which overlooks the front garden area. Driveway access is to the front and curves around the side of the house, leading to two detached garages in the rear garden. The rear garden behind the house is largely hard surfaced, is bound by tall boundary treatments, with previous extensions visible.

Relevant Site History:

92/04155/OUT - Construction of two flats and one maisonette - Refused

99/02504/FUL - Erection of single storey rear extension and detached garage block to rear - Granted

07/08658/FUL - Construction of first floor rear extension and demolition to re-build rear garage block with first floor - Granted

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design
DS3 – Urban Character
DS4 – Streets and Movement
DS5 – Safe and Inclusive Places
EN3 – Historic Environment
TR2 – Parking Policy

Other Relevant Legislation

Bradford Council Householder Supplementary Planning Document.

Parish Council:

Not in a town or parish council area.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification letter, a site notice and in the local press. The overall date for publicity expiry was 18 April 2022. No representations have been received.

Summary of Representations Received:

Not applicable.

Consultations:

Heritage and Conservation – The property is a key unlisted building in the conservation area. Concerns were initially raised due to the visibility of the proposed extension from the public street, which would not have maintained the character of the host building or wider area, however the plans have since been amended, reducing the size of the extension with further information to demonstrate that the additions will not be seen from public land. Providing that materials match the main house, this flat roof contemporary addition, which replaces a number of poor quality outbuildings is considered to maintain the character of the conservation area and will not harm the public appearance of this key unlisted asset.

Summary of Main Issues:

1. Background and Principle of Development.
2. Impact on the Built Environment.
3. Impact on Heritage Assets.
4. Impact on Neighbouring Occupants.
5. Impact on Highways.
6. Other Planning Matters.

Appraisal:

1. Background and Principle of Development:

The proposal seeks planning permission to construct a single storey extension to the rear of this residential property. The property is a key unlisted building in the conservation area and so should be assessed against relevant legislation, policy and guidance areas. The changes proposed are to take place within the curtilage of this property and are consistent with a residential use, therefore the development is considered to be acceptable in principle, subject to the outcome of a local impact assessment.

2. Impact on the Built Environment:

The proposal seeks to remove two detached garages in the rear of this garden which are of little design merit. They will be replaced by one single storey comprehensive extension of a contemporary flat roofed design, which is to be constructed in stone.

This low level addition is to be located behind the tall boundary treatments which bound this rear garden and will be largely hidden at the rear of this property, with only a small portion of decking visible from public land. The addition is of a comprehensive design, which although large, is to be attached to a large house and in large gardens is considered to be proportionate. The design of this extension will provide an acceptable visual contrast with the original house, paying sufficient respect in terms of its subordinate size, the significant setback from the public road and its construction in stone to match. It will retain all of the positive features on this site and is considered to provide an interesting and attractive addition that pays adequate respect to the original house, displaying modern architectural quality that is proportionately sized, acceptably positioned and of good design. The proposal accords with policies DS1 and DS3 of the Core Strategy Development Plan Document.

3. Impact on Heritage Assets:

The property is within the North Park Road Conservation Area and is identified in the area appraisal as a key unlisted heritage asset. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas. In the exercise of a Local Planning Authority's planning functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The addition is to be located wholly behind the main house and will be hidden from public view. It seeks a contemporary design which contrasts with the traditional design of this property, but at the same time comprehensively replaces two detached garages which are considered to be of poor design quality, offering some benefit to the appearance of this property from within the site itself. Given the positioning of the extension, it is not considered to have any impact on the character or appearance of the conservation area and is therefore considered to maintain it. The only visible part will be a new area of decking, which is not prominent, set significantly back from the front road and is a feature commonly seen in residential gardens, which is not harmful. The proposal is considered to accord with the relevant area of legislation and policy EN3 of the Core Strategy Development Plan Document.

4. Impact on Neighbouring Occupants:

The proposed extension is to take place along the rear of the site replacing two large detached garages in a similar position. The proposed height at approximately 3.7 metres is below the height of the existing garages and only 0.8 metres above the height of the existing garden wall. The flat roofed design has been proposed to reduce the potential impacts on neighbours, which compared with the existing development on site and the tall boundary treatments already in place, does not raise any significant overbearing issues beyond any that may already exist. The impact on light reaching neighbouring gardens is comparable with the current situation, which is not adverse and raises no issues for neighbouring rooms also. Openings for the extension face into the site only and present no overlooking of neighbouring homes or their gardens.

Overall the addition is considered to be proportionately sized within this site, maintaining an acceptable amount of outdoor space and having an acceptable impact on neighbouring occupants. The proposal does not raise any significant or adverse issues for neighbours and accords with policy DS5 of the Core Strategy Development Plan Document.

5. Impact on Highways:

The changes proposed will result in the loss of two detached garages, reducing the number of off-street parking spaces available on this site, however a large area of this garden will remain open and available for parking. The access will remain unchanged and there will be parking for at least two vehicles off-road, with areas where they can turn and both enter and exit in a forward motion. Retaining a proportionate amount of off-street parking for the size of this house and maintaining the existing access arrangement, the proposal does not raise any highway safety concerns, according with policies DS4 and TR2 of the Core Strategy Development Plan Document.

6. Other Planning Matters:

No other matters raised.

Community Safety Implications:

The proposal has no implications for community safety.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Recommendation:

The application is recommended for approval subject to conditions.

Reason for Granting Planning Permission:

The proposal is considered to have an acceptable impact on the built environment, neighbouring occupants and highway safety. The addition will maintain the public appearance of this site and maintain the character of the conservation area raising no significant or adverse issues. The proposal follows the design principles set out in the Council's Householder Supplementary Planning Document and accords with policies DS1, DS3, DS4, DS5, TR2 and EN3 of the Core Strategy Development Plan Document.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

Location Plan - referenced 20-087-P-01 - received 14/01/2022

Existing and Proposed Plans - referenced 20-087-P-02-A - received 31/03/22

Proposed Elevations and Site Plan - referenced 20-087-P-03-A – 31/03/22

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

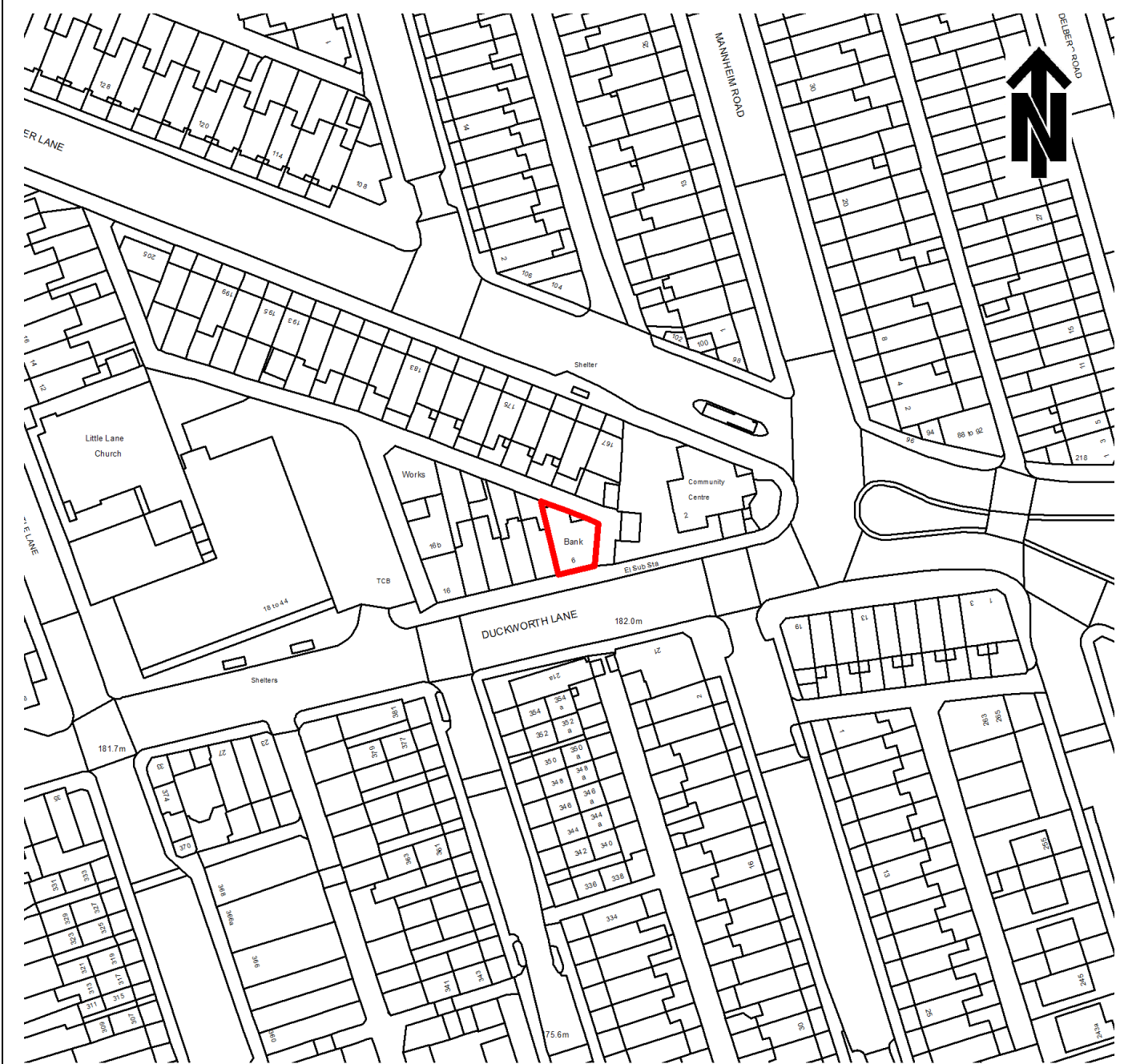
3. The development hereby permitted shall be constructed using natural stone facing materials to match the stonework of the existing building.

Reason: To ensure the use of appropriate materials in the interests of the built environment, the appearance of this property and the character of the conservation area, and to accord with policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

22/00316/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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6 Duckworth Lane
Bradford
BD9 5EP

27 April 2022

Item: B
Ward: TOLLER
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
22/00316/FUL

Type of Application/Proposal and Address:
External rear extraction canopy and AC unit to 6 Duckworth Lane, Bradford, BD9 5EP

Applicant:
Mr Salman Rajab

Agent:
Mr Shoyeb Nana

Site Description:
6 Duckworth Lane is an end terrace two-storey retail shop which sits within an established row of shops and is located within the Duckworth Lane local centre. The surrounding area is mixed use with commercial properties fronting onto Duckworth Lane many of which appear to have flats at first floor level and there are residential properties to the rear fronting onto Toller Lane.

Relevant Site History:
21/04816/FUL Change of use to takeaway with seating and external rear extraction canopy- REFUSE: Date Issued 15-11-21.

20/02909/FUL: Change of use from A2 (Professional & Financial Services) to A1 (Shop) to ground floor and C3 (Dwellinghouse) to first floor including new shopfront- GRANT: Date Issued 23-09-20.

11/03887/FUL- Internal and external alterations including installation of new air conditioning cassettes and kitchen to first floor- GRANT: 19.10.2011.

04/00639/FUL- Construction of disabled access ramp- GRANT: Date Issued 18.03.2004.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 Achieving Good Design
DS3 Urban character
DS5 Safe and Inclusive Places
EN8 Environmental Protection Policy

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification. Expiry Date 26 February 2022. 16 objections have been received.

Summary of Representations Received:

Objections:

- Intention and suspicious nature of this application to gain a canopy and a.c. unit then get permission for a takeaway.
- Noise affecting us whilst trying to sleep.
- Add to existing pollution from other takeaways in the area; affecting an existing medical condition.
- Increase in rodents' and rubbish in the area.
- No more takeaways needed.
- Limited parking.
- The canopy would be unsightly and there are too many in the area.
- Increase in foul smells in the area making it hard to keep windows open at night in the summer.
- Degeneration of the local area with another canopy.
- No space for children to play.

Consultations:

Environmental Protection Nuisance – Following receipt of revised drawings and additional information the proposals are now acceptable subject to conditions.

Summary of Main Issues:

1. Principle of Development.
2. Impact on Residential Amenity.
3. Impact on Visual Amenity.
4. Impact on Highway Safety.
5. Other matters.

Appraisal:

1. Principle of Development

The proposals relate to the erection of an external extraction canopy and a.c. unit to the rear elevation. The site has a previously refused application to use the building as a takeaway with internal seating and external rear extraction canopy. The application was refused due to lack of off street parking, the effectiveness of the proposed extraction flue system which would have an adverse impact on the current/future occupier(s) of the adjacent residential flat, insufficient information with regards to providing a noise report and inaccurate plans. It is important to note that planning permission is not needed when the existing and the proposed uses fall within the same Use Class. In this instance the previous use as a bank E(c)(i) could be changed to a café/restaurant E(b) without the need for planning permission as both are within use Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The proposed floor plans show internal seating for 22 people which confirms the use proposed. However, the building work associated with the proposed change of use, the installation of an external rear extraction canopy and ac unit, requires planning permission and are the subject of this application. On that basis, the principle of the development is acceptable subject to its local impact.

2. Impact on Residential Amenity

There were concerns of noise generated by the proposed use, flue and ac unit on the previously refused application (21/04816/FUL). A significant amount of objections have also been received with regards to the noise generated by the use, extraction flue and ac unit. Noise generated from the use as a café/restaurant is not a matter for consideration as the use does not require planning permission. Although a noise report was submitted with the current application it did not adequately address the noise generated by the extraction flue and ac unit. Therefore, the position of the flue has been changed placing it at a distance of 6 metres from the adjacent residential window and an amended noise report has been received which addressed these concerns. In addition, the submitted plans also propose sound proof insulation to the party wall.

With regard to the effect on nearby houses, the current flue has been situated on the rear elevation away from the adjoining flat 8a Duckworth Lane. The residential properties to the rear fronting onto Toller Lane are separated by an unnamed road/track with a distance of approx. 13 metres between the rear elevation of the application building and rear elevation of the closest dwelling on Toller Lane. On this basis, it is not considered that noise or vibrations will adversely affect either the current/future occupier(s) of the adjacent flat or surrounding residential dwellings.

3. Impact on Visual Amenity

The building is at the end of a stone built terrace with an unnamed access road which runs along the side and rear. The accompanying Design and Access statement confirms that the front elevation will remain as existing and the submitted plans do not include the front elevation of the building and therefore any changes to the front cannot be considered as part of these proposals. The main visible external alterations would be the construction of the flue to the rear elevation of the building, the blocking up of the window at first floor, the external a.c. cooling fan and the formation of an external access door from the single storey extension.

The proposed extraction equipment should be designed so as to minimise their impact on visual amenity, including in terms of their location and external finish. It is acknowledged that the application site is located within a commercial setting and there are air conditioning units and flues within the immediate vicinity. The air conditioning unit is small in size and sits on the roof of the single storey extension to the rear. The extraction flue will be visible from both the rear access and, to a lesser degree, from Duckworth Lane. Objections have also been received from local residents with regards to the visual effect of the extraction flue and that it will be 'unsightly' and there are too many in the area. Seen from the rear, the flue will extend from the top of the ground floor window to a point 2.10 metres above eaves level. It will be clad in natural stone slips and the remaining exposed jet cowl to be painted in black and its size and finish are considered to fit into the wider scene of the terrace's rear elevation. In other words, they will not be obtrusive features in the street scene. Similarly, from Duckworth Lane, the flue will be seen in the context of the side elevation of the building. Given the roof slope, the flue will be situated on the lower side, near the rear access. In this position, whilst it will be visible in the street scene, it will not be out of keeping with the side elevation in terms of scale or design. In that the cladding in natural stone slips and black coated finish will be visually acceptable.

The blocking up of the first floor window would allow this room to be used as a cold store and addition of the rear ground floor access door provides access to the internal bin storage area. Both these changes are considered visually acceptable and are essential changes which are required for the operational use as a café/restaurant.

4. Impact on Highway Safety:

As mentioned earlier in this report there is no change of use that requires planning permission involved in this application. Consequently, any effect of the proposed restaurant/café cannot be determining factors in this application which relates only to the external changes to the rear elevation.

5. Other matters:

Objections have been received with regards to the potential use of the building as a takeaway. The use proposed does not require planning permission and if the use changes to any use outside of Class E this would be subject to separate planning consent. The applicant has provided internal bin storage which would address concerns with regards to refuse and attraction of vermin, albeit the use is within the same use class and there is no requirement within planning to provide additional measures to control this. These issues would however be controlled by other departments such as Environmental Health during the duration of the use.

The previous application (21/04816/FUL) which included an extraction flue was refused on the grounds that its position was too close to the window of the adjacent residential flat 8a Duckworth Lane. In that the extraction flue system will create an unacceptable amount of odour by not discharging at a height sufficient to disperse odours adequately. In the present application, this has been addressed by changing the position of the extraction flue being fairly centrally placed on the rear of the building 6 metres from the window of the adjacent residential flat. It will be fitted with filters and a fan and will terminate 2.10 metres above the eaves. It is considered that this position for the flue, coupled with its odour suppression equipment, is sufficient to ensure that odours created by the use and will not have a detrimental effect on the adjacent neighbour's residential amenity and addresses objections raised in this regard.

The parking and noise from the development have been addressed within the body of the report and there would not be any encroachment of private land and therefore would not affect children playing in the area.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed extraction flue and ac unit are considered to relate satisfactorily to the character of the existing building and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and representations received have been considered and would not affect their residential amenity. As such this proposal is considered to be in accordance with Policy DS1, DS3 and EN8 of the Core Strategy.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

Location Plan referenced 21-113-P-01 received by the Council on 25.01.2022
Amended Existing and Proposed Plans and Elevation referenced 21-113-P-02-F received by the Council on 09.03.2022

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The development hereby permitted shall be constructed using external facing materials to match the existing building as is specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

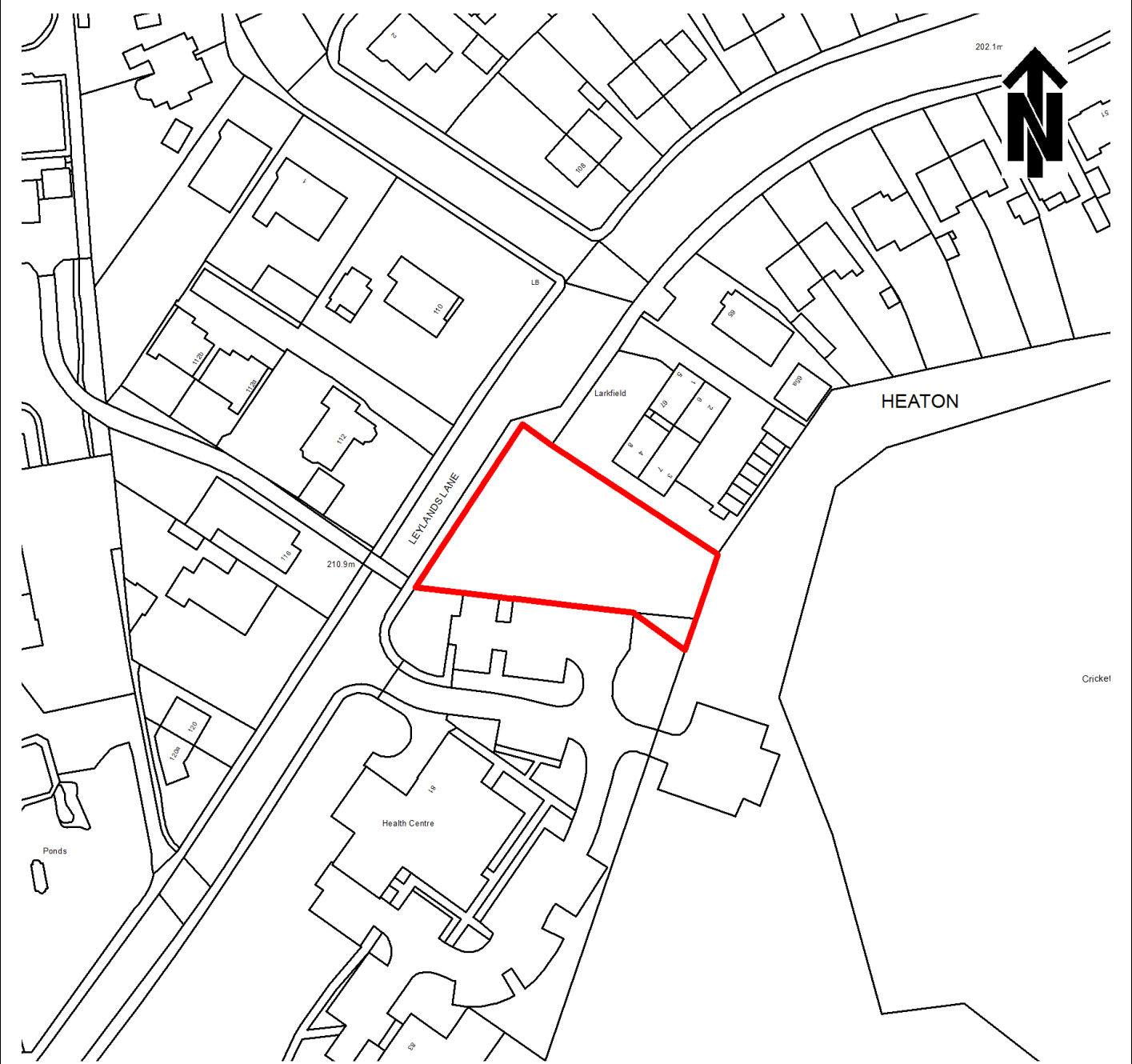
4. All works which form part of the development scheme shall be completed before any part of the development is occupied as recommended in the Noise Impact Assessment dated 7th March 2022.

Reason: To minimise the effect of noise on adjacent properties, in the interests of amenity and to accord with Policy EN8 of the Core Strategy Development Plan.

5. The visible parts (not clad) of external extraction flue shall be painted black before first use as is specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

21/04792/FUL



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**Land North Of
Leylands Medical Centre
81 Leylands Lane
Bradford BD9 5PZ**

27 April 2022

Item: C
Ward: HEATON
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
21/04792/FUL

Type of Application/Proposal and Address:

This is a full planning application for the construction of three houses including parking, access and landscaping on land to the north of Leylands Medical Centre on Leylands Lane, Bradford.

Applicant:
Mr Waqaas Khan

Agent:
Michael Ainsworth Design Partnership

Site Description:

The site is currently an overgrown vacant area of land which fronts onto Leylands Lane. It is in a mixed use area with a cricket field at the East, a medical centre to the South and existing residential properties to the North. It is bound by a low level stone boundary wall with trees fronting the most prominent areas of the site.

Relevant Site History:

95/00414/OUT - Healthcare centre development – Granted.
97/00246/REM - Erection of Health Care Centre including crèche – Granted.
97/00247/FUL - Erection of self-contained retail pharmacy as part of Health Care Centre building – Granted.
04/00830/FUL - Single storey extension to medical centre – Granted.
14/03810/FUL - Construction of two detached dwellings – Refused.
17/03953/FUL - Construction of one detached dwelling house – Refused and subsequent appeal dismissed.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design
DS2 – Working with the Landscape
DS3 – Urban Character
DS4 – Streets and Movement
DS5 – Safe and Inclusive Places
EN2 – Biodiversity and Geodiversity
EN5 – Trees and Woodlands
EN7 – Flood Risk
EN8 – Environmental Protection Policy
HO9 – Housing Quality
TR1 – Travel Reduction and Modal Shift
TR2 – Parking Policy
SC8 – Protecting the South Pennine Moors

Other Relevant Legislation

Homes and Neighbourhoods - A Guide to Designing Bradford Supplementary Planning Document

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by a site notice and individual neighbour notification letters. A total of nine representations were received.

Summary of Representations Received:

Three objections were received and six support comments. One support comment was from a Ward Councillor stating that if officers were minded to refuse the application, then he requests that a decision is made by the Planning Panel.

In summary the objections were;

- That protected trees would either be damaged or removed and the changes to the plans do not address this issue, raising the same concerns.
- The proposed planting would not mitigate the loss of the tree and is a poor alternative to what is already there.
- Previous applications have been refused and an appeal dismissed.
- The new buildings would impact on neighbouring outlook, overbearing and overshadowing their habitable room windows.

In summary the support comments were;

- The houses will uplift the area.
- Using this site for housing will reduce the potential for fly tipping, vermin and anti-social activity.
- There is a huge demand for housing in the area.
- The proposal will not be overbearing or out of character with the area.
- A tree on this site previously fell into the road, which could happen with the other trees.

Consultations:

Trees – There are a number of significant trees on this site, with many afforded some protection from individual and group Tree Protection Orders. The proposal seeks tree removal and the redirection of roots of another tree to facilitate access into the site. The loss of T1 is not supported and would be detrimental to the character of the area and lacks sufficient justification. The air spading technique proposed does not appear to be a practical, workable solution, and could lead to additional problems for this tree, including root damage, instability and potentially future loss. The proposal is not supported.

West Yorkshire Police – Provided advice to the applicants to enhance the security of the site. They have suggested gated access to rear gardens, tall boundary treatments and a management plan for the shared open area at the front of the property.

Highways – Initially raised objection due to the visibility splays being incorrectly shown and no sustainable travel modes being facilitated. The issues with the visibility splay have been rectified with a revised plan and Electric Vehicle charging points are now shown with cycle storage. No objections.

Drainage – Raise no objections to the proposal and have suggested conditions should the development proposal be given a planning permission.

Summary of Main Issues:

1. Background Information.
2. Principle of Development.
3. Landscape Character, Biodiversity and Trees.
4. Impact on the Built Environment.
5. Impact on Neighbouring and Future Occupants.
6. Highway Safety and Sustainable Travel.
7. Drainage.
8. Other Planning Matters.
9. Other Matters Raised by Representations.

Appraisal:

1. Background Information

The site is a vacant and undeveloped area of land that sits slightly higher than Leylands Lane. It is bound by a low level stone wall and is fronted by a number of trees which are protected through a Tree Protection Order. There has been a previous application for a residential development on this site, which was refused planning permission in 2017 due to the impacts on protected trees facing Leylands Lane. The Council's decision was appealed to the Planning Inspectorate who concurred with the Council's view that the loss of these specimens, that make a substantial and positive contribution to the area, would harm the amenity value and was not justified.

An Ash tree has since been removed from the front of the site, which was a poor quality tree, as acknowledged in the previous assessment of this site prior to its removal. Replanting in an alternative location has taken place but to form the new access into the site, this application now seeks to fell an additional Sycamore tree.

There is a significant housing need in the Bradford district and Bradford Council cannot currently demonstrate a 5-year supply of deliverable land for housing. Recent correspondence with the Planning Inspectorate suggests that the authority should be making decisions in line with paragraph 11 of the NPPF and should apply a tilted balance in their assessment and within the decision making process.

2. Principle of Development:

The proposal seeks planning permission to construct three residential properties on an area of vacant land close to the car park of Leylands Medical Centre. The site is not within the vicinity of a listed building and is not within a conservation area, however there are a number of statutorily protected trees within the site which should be considered against relevant legislation, policy and guidance areas. The site is unallocated for any specific purpose in the Council's Replacement Unitary Development Plan, and within a predominantly residential area, a residential development of the site is considered to be an acceptable use for this site in principle, subject to a local impact assessment.

3. Landscape Character, Biodiversity and Trees:

The site is an undeveloped parcel of land fronting Leylands Lane which is the main route through Heaton Village. It is currently accessed on foot through the grounds of the neighbouring medical centre and offers a suburban woodland character to the area, with tall, mature trees of high amenity value fronting the site. This proposal was also previously recommended for a refusal at an earlier planning panel due to the impact on trees, but was deferred at the request of the developer to allow them to try and address officers' concerns.

The proposal seeks to retain the majority of the stone perimeter walling and proposes access in from Leylands Lane by removing a substantial tree at the corner of the plot, identified as T1 on the submitted tree protection plan, with further trees works required to T2.

The trees on the site contribute significantly to the character of the local area and are the subject of a Tree Protection Order, number 0561, and so are offered statutory protection. Although the principle of a residential development on this site is not disputed, there is significant concern regarding the loss of a substantial tree in this very public location, and concern around the potential damage that could occur to T2, which again is of a very high quality and in a publically prominent position.

The information submitted with the application suggests that the development of the access will take place over a number of phases. It proposes the loss of T1 and seeks to replace this Sycamore with two Lime trees within the site. The proposal seeks the retention of T2 by offering a process called 'air spading', which in basic terms, appears to entail the excavation of tree roots with their redirection to less sensitive areas of the site. The process will expose roots and redirect them to run parallel with the edges of the drive, with surplus soil progressively removed by hand as roots are separated and pegged in an alternative positions and covered back with soil. The access and service trenches will then be built back up with permeable materials.

The trees along the front of this site offer clear amenity value to the local area, however the arboricultural report submitted argues that pressure is being applied to the perimeter wall and that this is a potential safety issue. There is also a suggestion that that the tree is a category C tree, however the Council's Tree Officer disagrees and stresses that there is no information to substantiate a safety concern. Although a tree was recently removed from the site due to the impact of bad weather and its poor quality, the tree now proposed for removal appears to be in good health and has been there for a considerable number of years without any issues.

The new access is proposed between T1 and T2. Access into the site is required for this development to go ahead and land level changes on the site, alongside the presence of trees and tree roots, means that a conventional build is not possible on this site. The Council's Tree Officer has suggested that the method proposed of 'air spading' is highly unusual. They suggest that tree roots have grown in their positions for a reason, which is confined by the perimeter boundary. Trees rely on their root networks to provide nutrients and water uptake as well as for stability, and by moving a substantial portion of these roots to other areas in the site, could result in damage and in turn could destabilise this tree. Larger roots are unlikely to have the flexibility to allow the extent of movement required to accommodate sufficient clearance and such intrusive works are likely to result in an unacceptable level of damage to roots which could impact on the future stability of this tree, and result in its future loss, which is not supported. There is also additional doubt as to whether this method would work in practice and questions as to why this practice would work for the retention of T2 but not for T1, which casts further doubt on this method.

Two trees are offered to replace T1 which are of an alternative species to those already on site and would increase the variety of trees, which is considered to mitigate any potential habitat loss raising no significant concerns for biodiversity in this suburban area. Although there are no significant conflicts with policy EN2 of the Core Strategy Development Plan Document, T1 is a high quality tree with clear amenity value, that contributes to the character of the area. It appears to be healthy and should be retained. The redirection of the tree roots for T2 will be a cumbersome process and there is significant doubt that this method here will work in practice. Roots are unlikely to have the flexibility to redirect into areas away from the driveway in, and the method is likely to result in irreparable damage to this tree that could destabilise it and lead to its future loss, meaning further tree loss on this site in the future.

Overall, the proposal will harm the landscape character of the area and have an unacceptable impact on protected trees fronting this site, failing the objectives of policies DS2 and EN5 of the Core Strategy Development Plan Document.

4. Impact on the Built Environment:

The proposal seeks to construct a row of three town houses. These are to be finished in natural stone at the ground floor level, with render to the upper floor levels, and a roof finished in a grey slate. Within the immediate area there are a wide variety of different property types, with varying designs visible. All the materials proposed are consistent with those seen in the immediate area and will not appear out of place.

The design of the new houses mirrors that of each property, forming a row of three identical houses. They propose a projecting apex feature at the front, with proportionate window and door arrangements across each of the buildings. Their appearance to the front is relatively regular and traditional, with a more contemporary single storey projection proposed at the rear. These design features are considered to raise some interest and are not considered to raise any significant concerns.

Although there is contention with regards to the trees on site which is discussed above, from the front the site will remain largely open, retaining the existing boundary stone wall treatment, with taller treatments seen to the rear. Conditions for the stone wall boundary treatment to be retained as is shown on the plan would help retain the character and appearance of this development on the local area.

Overall, the design of the properties are informed by a good understanding of the local area and will also introduce their own design features, which adds interest to this development. Notwithstanding the loss of character resulting from the loss of protected trees on the site, the houses themselves will be set well away from these trees and are not considered to raise any concerns by their appearance, following appropriate guidance from the Council's Homes and Neighbourhoods Supplementary Planning Document and according with policies DS1 and DS3 of the Core Strategy Development Plan Document.

5. Impact on Neighbouring and Future Occupants

The town houses proposed are to be located South of a neighbouring residential building known as Larkfield Flats. Apart from these, all other neighbours, including the local medical centre are considered to be a significant distance away from this development raising no issues for them.

In relation to Larkfield Flats, the properties include what appears to be four primary habitable room windows in their side elevation. This development is off-set from these neighbouring windows allowing unobstructed outlook from the front two apartments and clearing 25 degrees from the rear apartments. Although the outlook will alter for these apartments, the distance retained will not be overbearing on these neighbours and is considered to be of an acceptable level, meeting the guidance set out in the Council's Homes and Neighbourhoods Supplementary Planning Document.

There would also be some impact on light at times during the day towards these windows, however as the row of terraces is to be off-set slightly from the neighbouring row of properties, light will still reach these rooms for a significant proportion of the day and so is not considered to be an adverse issue. Given the relationship between the two sites, no adverse issues are raised for the most usable outdoor garden areas of neighbouring properties, and with no side facing habitable room windows and no residential neighbours directly to the front and rear, no overlooking concerns are raised.

The proposed developments would provide a good standard of living for future occupants, are logically arranged, meet the nationally described space standard and provide an adequate amount of indoor and outdoor space for their proposed use. The outdoor space provides a good amount of land for the storage of bins, the undertaking of domestic tasks and outdoor recreation, proportionate to the size of these dwellings. The impact on neighbouring houses and their gardens is considered to be acceptable, with not significant or adverse issues raised. The proposal accords with policies DS5 and HO9 of the Core Strategy Development Plan Document.

6. Highway Safety and Sustainable Travel:

The proposal seeks access onto Leylands Lane by forming a new entrance in the existing boundary wall. Although objection was initially raised by the highways team as the visibility splays were incorrectly shown, a revised plan demonstrates a suitable level of visibility can be achieved in both directions raising no significant concerns for highway safety.

Within the site there is ample provision for off-street parking, which will be served by electric vehicle charging points and should be conditioned as part of any approval of development on this site, along with the cycle storage provided. There is also visitor parking and ample space within the driveway area to both enter and exit the site in a forward motion. The driveway is wide enough to accommodate two-way vehicular movements and pedestrian traffic, and is considered to be of an acceptable length for residents to take bins to the entrance for collection. As the driveway will remain private, service vehicles such as refuse wagons will not need to enter the site.

Providing that suitable conditions are sought and that all facilities shown are provided prior to the occupation of these residential properties, it is considered that the impact of this proposal on highway safety and sustainable travel is acceptable, according with policies DS4, DS5, TR1 and TR2 of the Core Strategy Development Plan Document.

7. Drainage:

The site is close to a public sewer and so the developer will be required to consult with Yorkshire Water prior to commencement but it is considered that this matter can be further investigated at building control stage and so a footnote should be applied to any granting of planning permission. To maintain the permeability of the land, porous surfacing materials should be investigated. Providing that the permeability of the land remains and is controlled by condition, and that further drainage details are provided at a later date and agreed, the proposal is considered to accord with policies EN7 and EN8 of the Core Strategy Development Plan Document

8. Other Planning Matters:

A supporter of the development has correctly suggested that there is a housing need in the Bradford district, for which the Council cannot currently demonstrate a 5-year supply of deliverable land. The Local Planning Authority take a positive and proactive stance when assessing development proposals, particularly where there is an identified need. As there is an under-delivery of housing in the city, a tilted balance has been applied to this assessment, however the development plan policies are up-to-date and relevant, and both these and the NPPF seek to protect assets of particular importance. The removal of one protected tree and the substantial harm of another tree within this site, will be detrimental to the amenity value offered by these trees and will have an adverse impact on the local area, which is not outweighed by the delivery of a limited number of houses on this site. Although access is

required to deliver houses on this site, there is no evidence to show that an alternative access is not possible and the proposal does not justify an approach which will result in the loss of assets of clear value to the area, which are afforded strong protection through a Tree Protection Order. The broad need for housing, is not considered to be outweighed by this material planning consideration on this site.

9. Other Matters Raised by Representations:

Matters raised that are not covered in the report above are addressed here;

- Fly tipping, vermin and anti-social behaviour on the site are considered to be matters that fall outside of planning's remit and can be controlled by either management of the site, alternative development, or other legislation areas.

Community Safety Implications:

The proposal has no implications for community safety.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reasons for Refusal:

1. The loss of T1 which is a high quality protected tree, in good health with clear amenity value, alongside intrusive works to the roots of T2, which appears to be an impracticable solution that is likely to result in irreparable damage and its potential future loss, will have a detrimental and erosive impact on open wooded appearance of this site and the leafy character of the immediate area. Failure to sufficiently integrate these important features into the development, the potential future issues and lack of retention of healthy trees, is contrary to policies EN5 and DS2 of the Core Strategy Development Plan Document.

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Report of the Strategic Director of Place to the meeting of the Area Planning Panel (BRADFORD) to be held on 27 April 2022

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Summary Statement - Part Two

Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(15)
Decisions made by the Secretary of State - Allowed	(5)
Decisions made by the Secretary of State - Dismissed	(17)

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

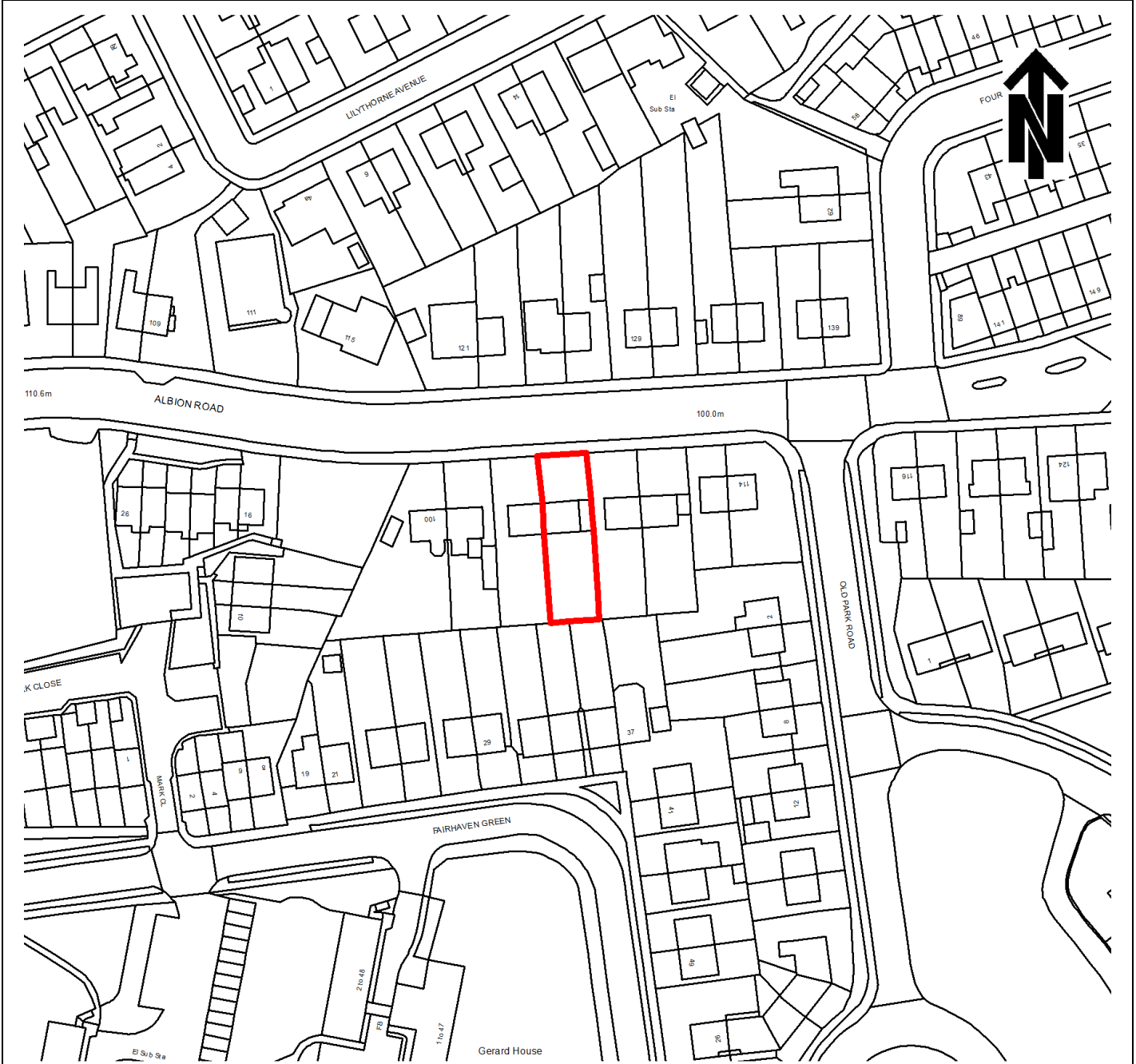
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

21/00046/ENFUNA



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**106 Albion Road
Bradford
BD10 9QL**

27 April 2022

Item Number: A
Ward: IDLE AND THACKLEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/00046/ENFUNA

Site Location:
106 Albion Road Bradford West Yorkshire BD10 9QL

Breach of Planning Control:

Without planning permission, the construction of a single storey side extension and raised platform.

Circumstances:

Following two complaints received in this office the above breach of planning control was revealed.

In response to a challenge letter, two retrospective planning applications have been submitted to the Local Planning Authority for consideration and determination and both have been refused.

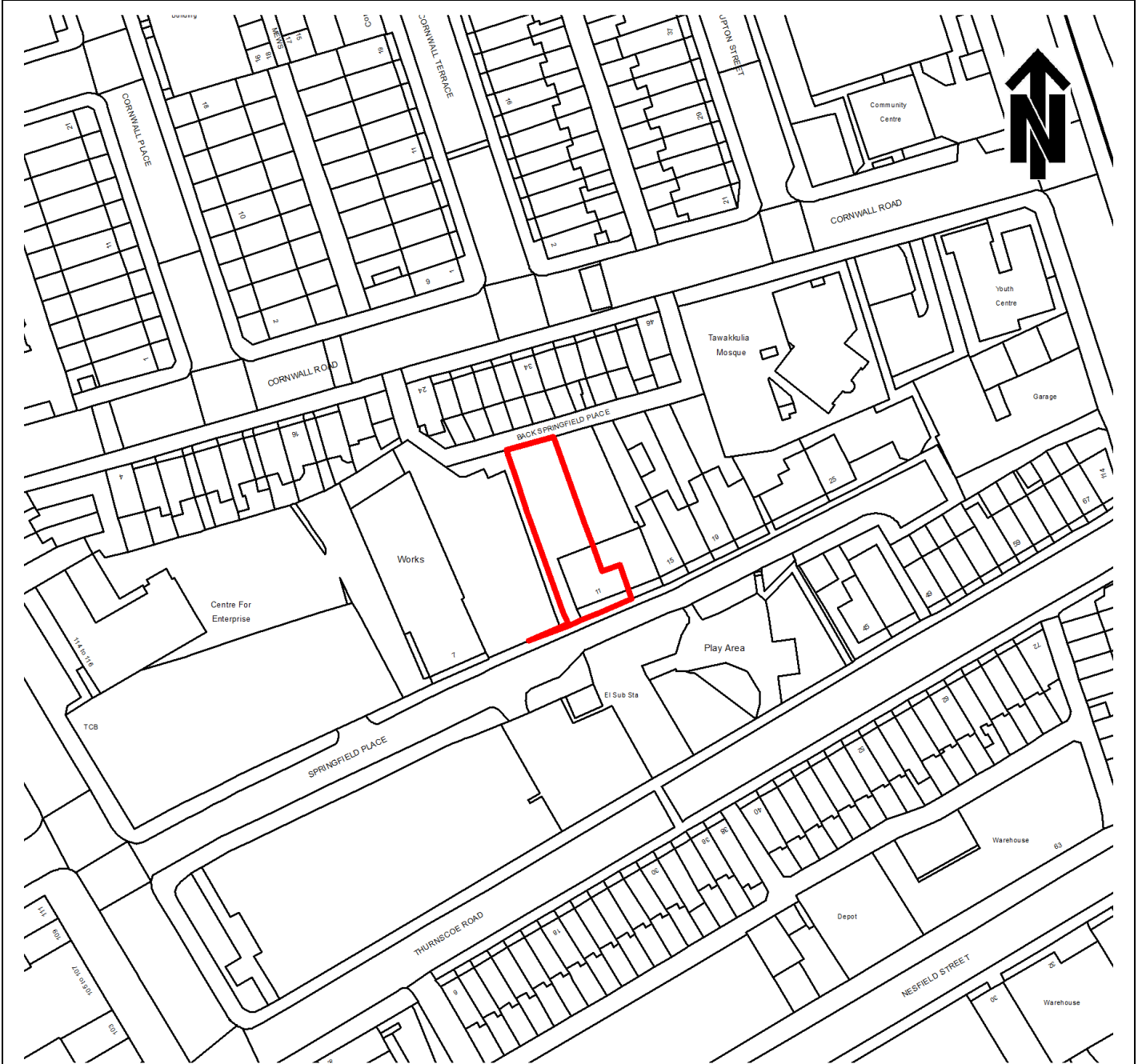
It is considered to be expedient to issue an Enforcement Notice because the side extension is clad in inappropriate timber cladding, the contrasting colour and texture does not harmonise with the parent dwelling to the detriment of the appearance of the street scene. The windows in the side elevation of the extension introduce direct overlooking at close quarters to the detriment of neighbouring occupiers. The raised platform enables the occupiers of No 106 Albion Road to directly overlook at close quarters the most private garden space of No 108 Albion Road and properties beyond to the detriment of residential amenity.

The Planning Manager (Enforcement and Trees) authorised enforcement action on 31 March 2022 requiring the demolition of the side extension and raised platform.

20/01373/ENFUNA



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**11 Springfield Place
Manningham
Bradford BD1 3EZ**

27 April 2022

Item Number: B
Ward: MANNINGHAM
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01373/ENFUNA

Site Location:
11 Springfield Place Manningham Bradford West Yorkshire BD1 3EZ

Breach of Planning Control:
Unauthorised construction of a raised terraced area to the rear elevation of the dwelling on the land.

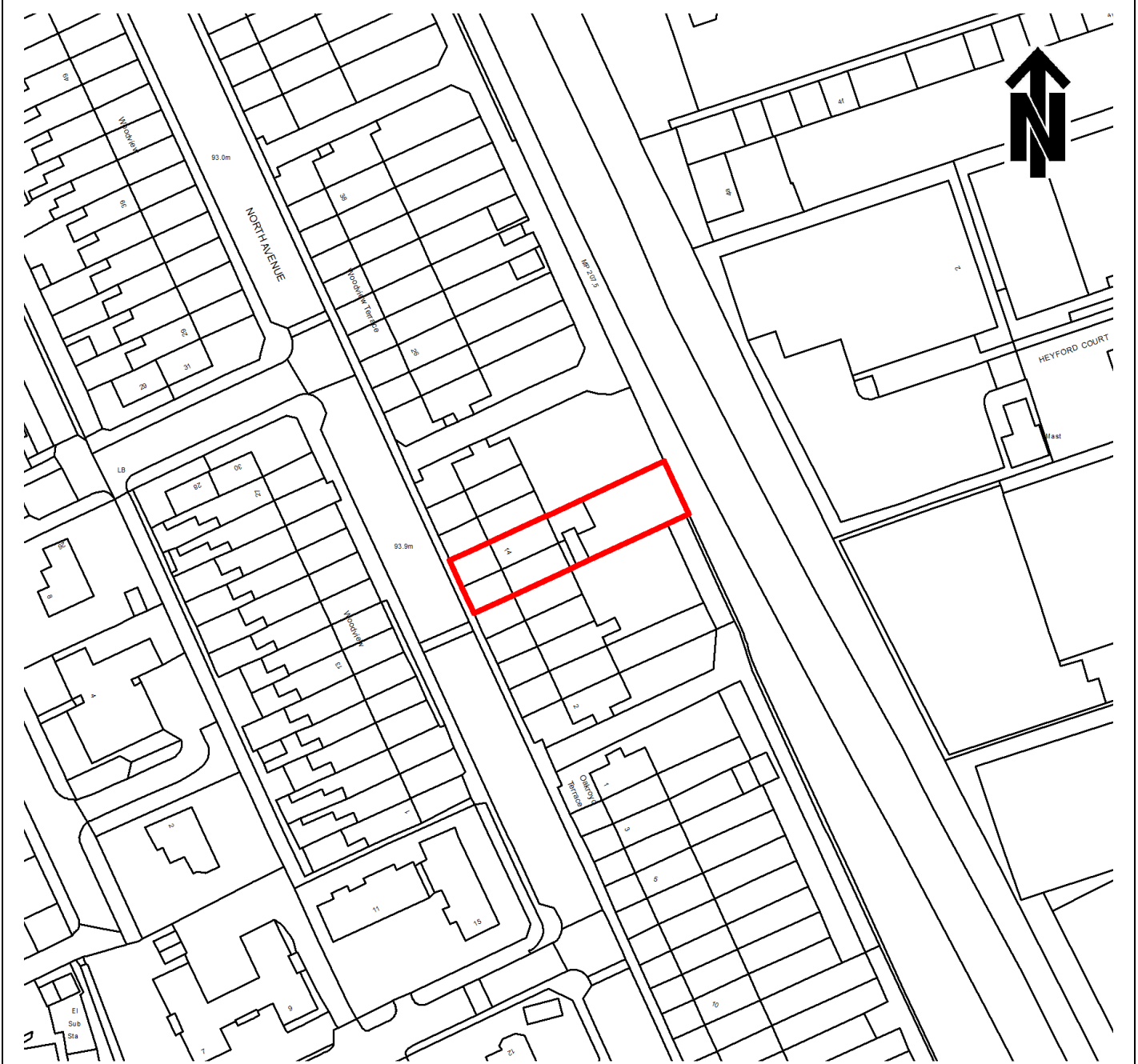
Circumstances:
In October 2020 the Council received an enquiry regarding an alleged unauthorised raised terraced area.

An inspection in April 2021 showed that raised terraced area had been constructed at the property. The Council had no record of any consent being granted for extension as built.

Numerous letters have been sent to the owner/occupants of the property, requesting action to rectify the breach of planning control. However, no correspondence has been received from the owner or occupiers.

The unauthorised terraced area is still in place and the breach of planning control remains unresolved. On 16 March 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised raised terraced area to the rear of the property is facilitating significant levels of overlooking and loss of privacy, which is an unacceptable level of harm to the residential amenity of the neighbouring occupants, contrary to Policy DS5 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework

21/00060/ENFUNA



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**12-14 Woodview Terrace
North Avenue
Bradford BD8 7AH**

27 April 2022

Item Number: C
Ward: MANNINGHAM
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/00060/ENFUNA

Site Location:
12-14 Woodview Terrace North Avenue Bradford West Yorkshire BD8 7AH

Breach of Planning Control:
Without planning permission, the construction the of a basement level and lower ground floor rear extension to the property on the land.

Circumstances:
In January 2021 the council received an enquiry regarding an alleged unauthorised rear extension at the above property.

Following a complaint received in January 2021, a site visit revealed that the basement level and lower ground floor rear extension had been constructed at the property. The Council has no record of any consent being granted for extension as built.

In response to challenge letters the owners/occupies submitted a retrospective planning application number 21/03943/FUL seeking consent for the extension. This was refused by the Local Planning Authority in October 2021. The unauthorised extension is still in place and the breach of planning control remains unresolved.

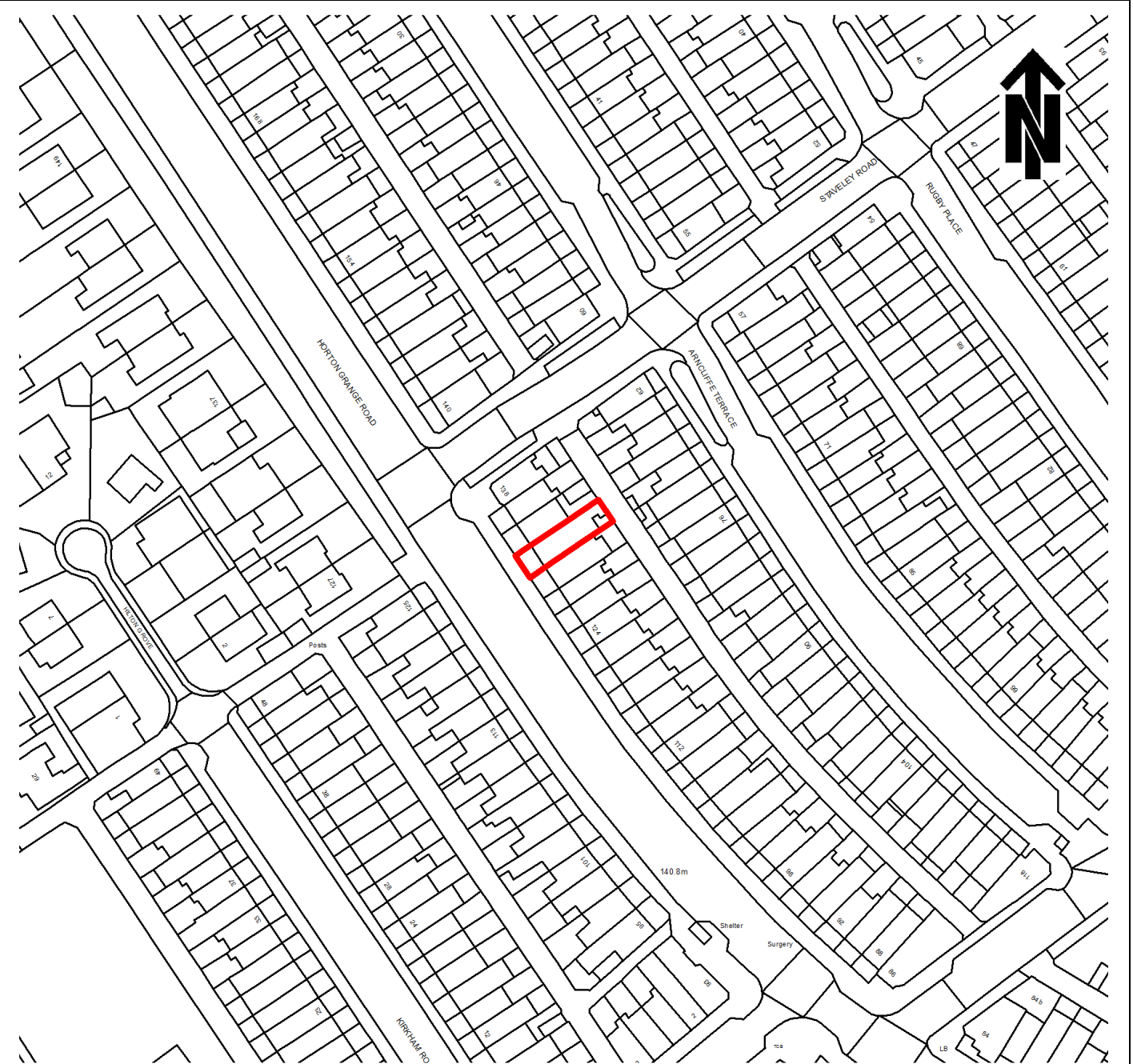
On 23 February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action for the following reasons (paraphrased):

The extension is of a substantial size, with a design and overall appearance that fails to relate to the host property. It represents a discordant feature and has an incongruous appearance, causing significant harm to visual amenity and failing to maintain the character and setting of the St Pauls Conservation Area (Article 2 (3) land). Its substantial scale, close proximity to the common boundary with the neighbouring property and dominating effect causes an unacceptable level of harm to residential amenity. The extension is therefore contrary to Policies DS1, DS3, DS5 and EN3 of the Council's adopted Core Strategy Development Plan Document and Paragraph 196 and the principles of the National Planning Policy Framework.

20/01292/ENFUNA



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**132 Horton Grange Road
Bradford
BD7 2DW**

27 April 2022

Item Number: D
Ward: CITY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01292/ENFUNA

Site Location:
132 Horton Grange Road Bradford West Yorkshire BD7 2DW

Breach of Planning Control:
Without planning permission, the construction of a single storey rear extension.

Circumstances:
Following an enquiry received in September 2020, alleging an unauthorised single storey rear extension built at the above property. A site visit revealed that a large single storey rear extension, with a dual pitch gable roof had been constructed to the rear of the property for which there was no record of planning permission having been granted.

In response to a challenge letter the owners of the property submitted a retrospective planning application reference 21/02331/HOU which was refused by the council in June 2021. A Further application reference 21/03976/HOU was also refused in September 2021. No appeal has been submitted against the Council decision to refuse planning permission and the breach of planning control remains unresolved.

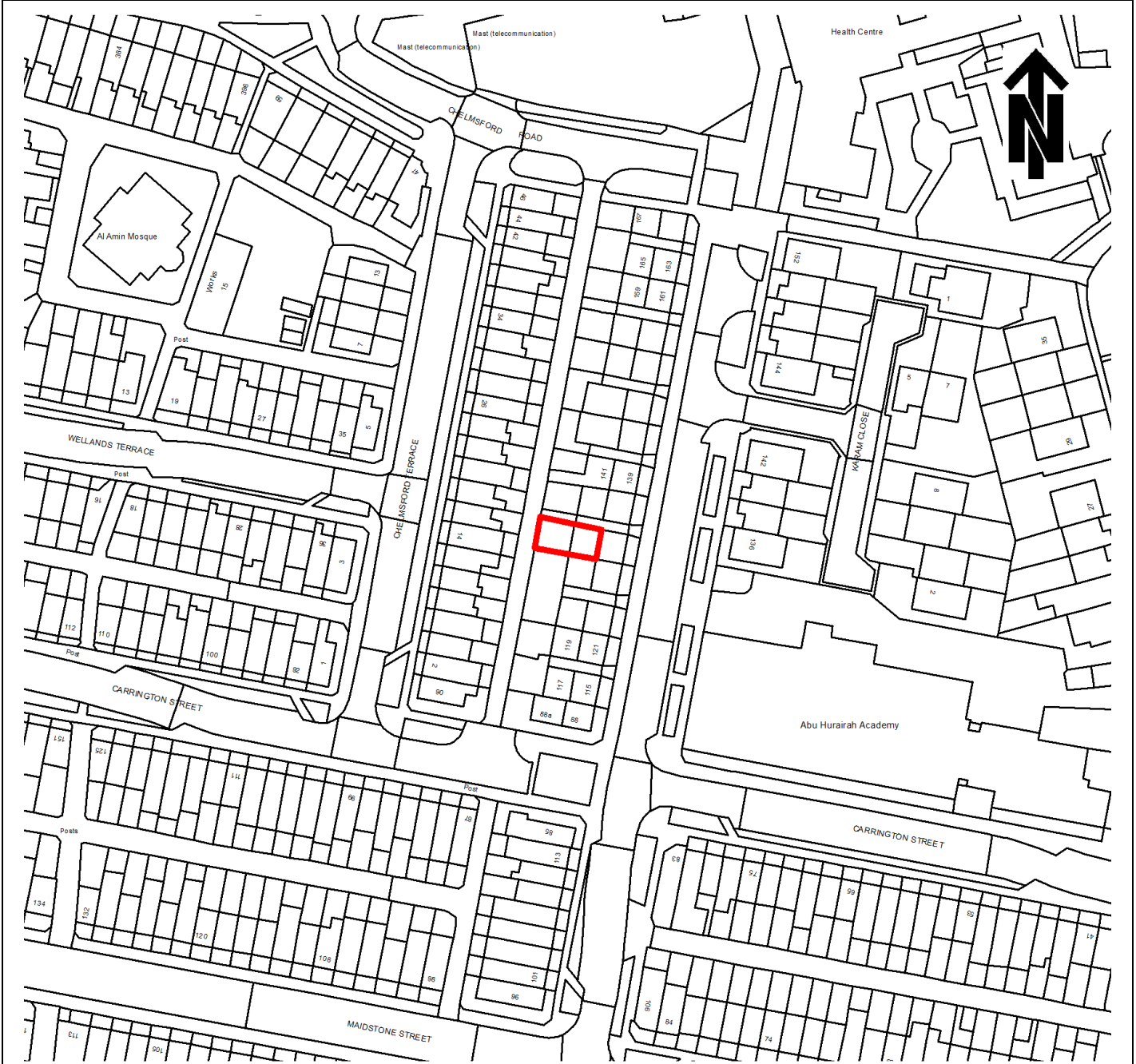
On 23 February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised extension, interrupts the form of the existing extension and adds a disproportionate and insubordinate addition to the rear elevation, appearing over dominant and detracting from the character of the original property, causing significant harm to the visual amenity of the local environment, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

The depth, scale and position of the unauthorised extension, close to the common boundary has an adverse impact on the habitable room windows and private amenity space of the occupants of the neighbouring dwellings through overshadowing, overbearing and loss of outlook, harmful to residential amenity, contrary to Policy DS5 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

20/01384/ENFUNA



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**133 Lapage Street
Bradford
BD3 8AF**

27 April 2022

Item Number: E
Ward: BRADFORD MOOR
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01384/ENFUNA

Site Location:
133 Lapage Street Bradford West Yorkshire BD3 8AF

Breach of Planning Control:
Without planning permission, the construction of a single storey rear extension

Circumstances:
In October 2020 the Council received an enquiry regarding an alleged unauthorised single storey rear extension at the above property.

An inspection in March 2021 showed that a large single storey rear extension had been constructed at the property. The Council has no record of any consent being granted for extension as built.

Following a challenge letter letters sent to the owner/occupants of the property, requesting, a retrospective planning application (reference 21/03536/HOU) seeking consent for the extension as built was refused by the Council in August 2021. A subsequent appeal to the Planning Inspectorate was dismissed. The unauthorised extension is still in place and the breach of planning control remains unresolved.

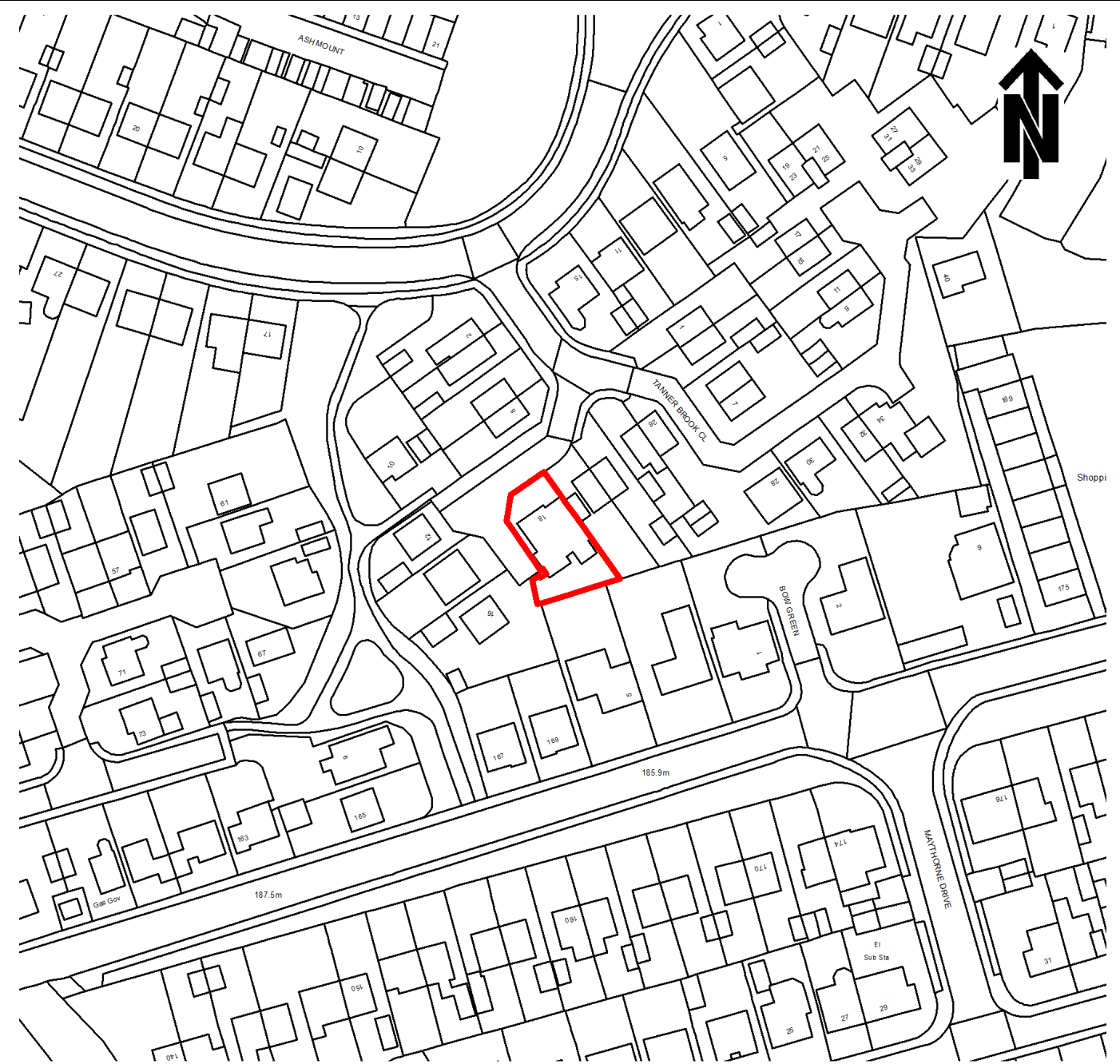
On 23 February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised single storey rear extension as built, is out of keeping with the scale and design of the host dwelling, due to its excessive depth and use of blockwork on the side elevation, representing an incongruous feature that is causing detriment to the visual amenity of the local environment, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document and The principles of the National Planning Policy Framework.

Furthermore, the single storey rear extension is contrary to Policy DS5 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework by way of depth, scale position, overshadowing, overbearing to residential amenity of neighbours.

20/01351/ENFUNA



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**18 Tannerbrook Close
Bradford
BD14 6NJ**

27 April 2022

Item Number: F
Ward: CLAYTON AND FAIRWEATHER GREEN
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01351/ENFUNA

Site Location:
18 Tannerbrook Close Bradford West Yorkshire BD14 6NJ

Breach of Planning Control:
Unauthorised front porch extension and chimney breast to side of the property.

Circumstances:
In response to an enquiry received in October 2020, a site visit revealed that a front porch extension and chimney breast had had been constructed at the property, for which the Local Planning Authority had no record of planning permission having been granted.

Following challenge letters a retrospective planning application reference 21/02780/HOU seeking consent for both features as built was submitted and refused by the Council in July 2021. A subsequent appeal was dismissed by the Planning Inspectorate in January 2022.

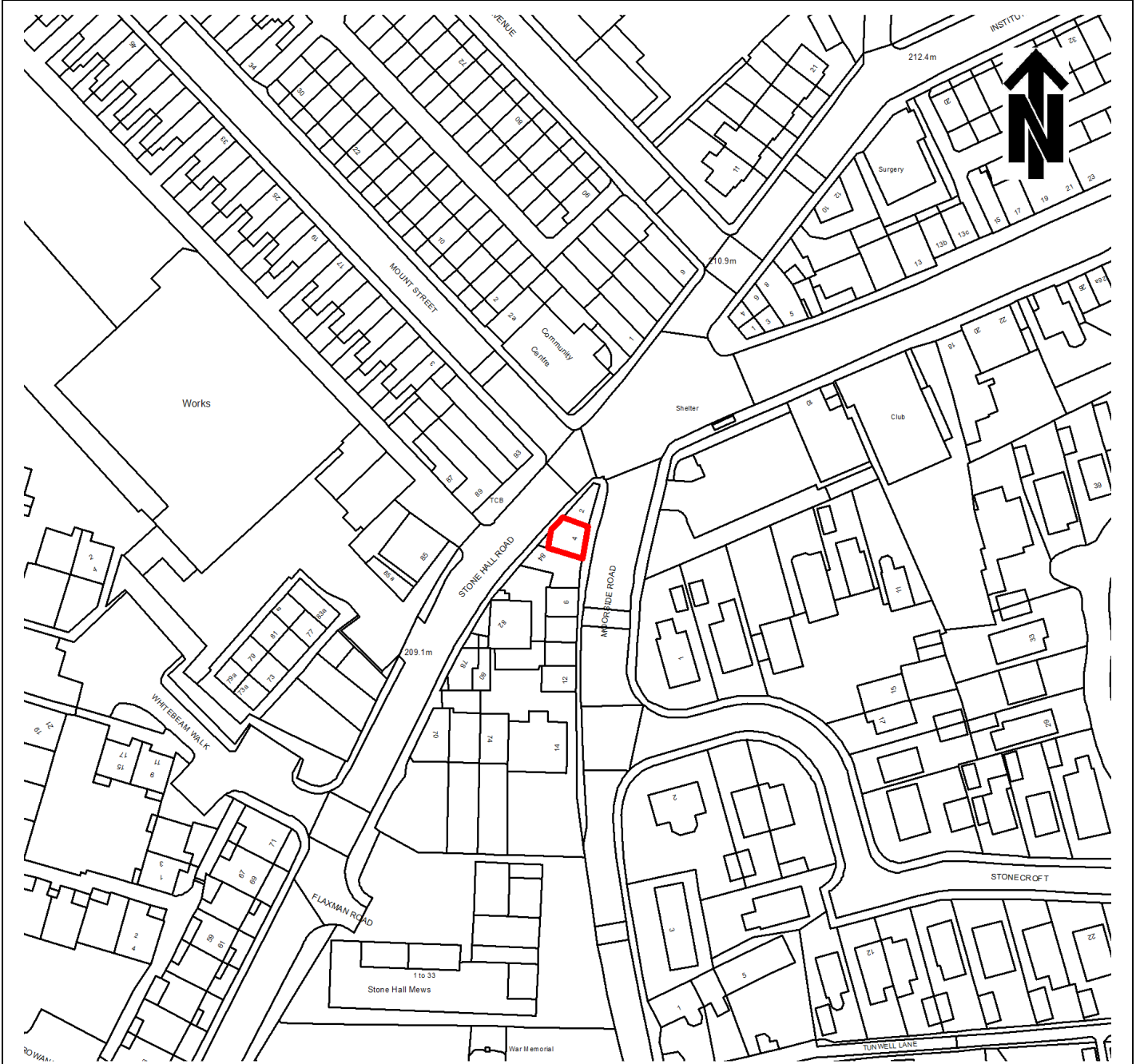
The owners of the property have been requested to rectify the breach of planning control, however no appropriate action has been taken.

On 4 February 2022, the Planning Manager (Enforcement & Trees) authorised enforcement action. It is considered expedient to issue an Enforcement Notice as the unauthorised front porch is detrimental to visual amenity by virtue of its size, design, poor use of materials and overall appearance, which forms an incongruous feature on the land. The Porch results in the loss of off street parking provision creating further pressure on street parking availability, detrimental to highway safety. The materials used in the construction of the chimney breast are a poor match for the host property and therefore represents an incongruous feature. The development is contrary to Policies DS1, DS3, DS4 and TR2 of the Council's adopted Core Strategy Development Plan Document, the Council's adopted Householder Supplementary Planning Document and the principles of the National Planning Policy Framework.

21/00012/ENFLBC



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**4 Moorside Road
Eccleshill
Bradford BD2 2EU**

27 April 2022

Item Number: G
Ward: ECCLESHILL
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/00012/ENFLBC

Site Location:
4 Moorside Road Eccleshill Bradford West Yorkshire BD2 2EU

Breach of Planning Control:

Without Listed Building Consent, the replacement of original slate roof tiles with concrete roof tiles and the replacement of original window fittings with white upvc sash window fittings to the property on the land.

Circumstances:

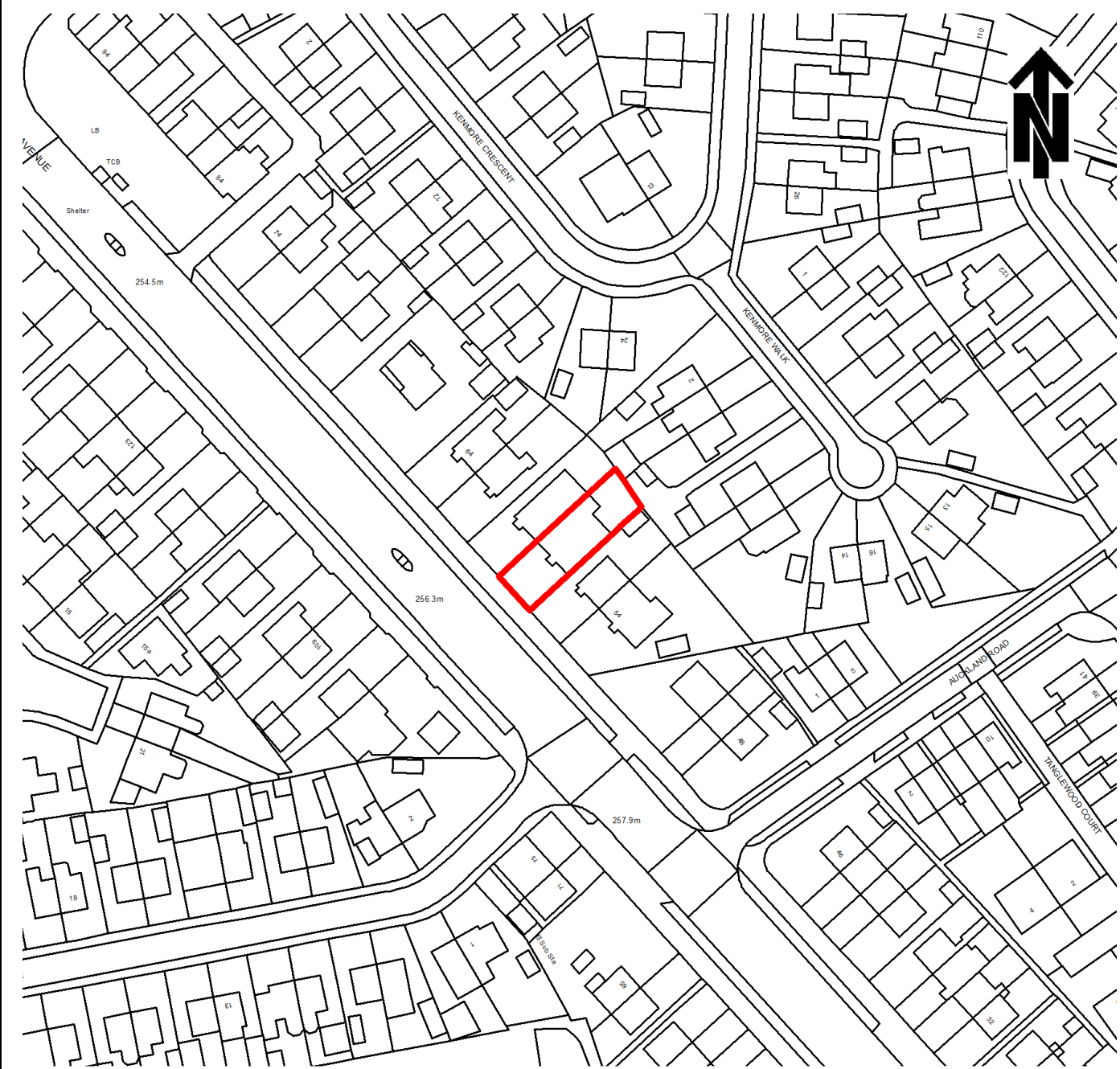
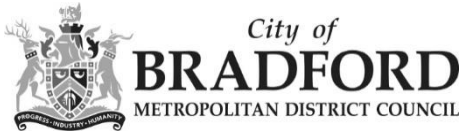
In response to a complaint received in this office in January 2021, a site visit carried out revealed that the original slate roof of the Grade II Listed Building had been replaced with concrete roof tiles and the original wooden sliding sash windows had been replaced with UPVC windows.

The planning history reveals that a retrospective application for the replacement windows had already been refused in 2017 and a subsequent appeal to the Planning Inspectorate dismissed.

In response to challenge letters sent to the owner of the property, a further retrospective application was submitted for the concrete roof tiles. This was refused in September 2021. No positive action has been taken by the owner to rectify the breach of planning control. Both the unauthorised UPVC window fittings and concrete roof tiles remain in situ.

On 22 February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action because of the loss of the original features and the poor materials used which causes substantial harm, degrading the character and appearance of this heritage asset. No public benefit arises to compensate for this harm and the development is therefore contrary to Policy EN3 of the adopted Core Strategy Development Plan Document, Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and policy guidance contained within the National Planning Policy Framework.

19/01195/ENFUNA



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**58 Moore Avenue
Bradford
BD6 3HU**

27 April 2022

Item Number: H
Ward: WIBSEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
19/01195/ENFUNA

Site Location:
58 Moore Avenue Bradford West Yorkshire BD6 3HU

Breach of Planning Control:
Without planning permission, the construction of a dormer window extension on the rear roof plane.

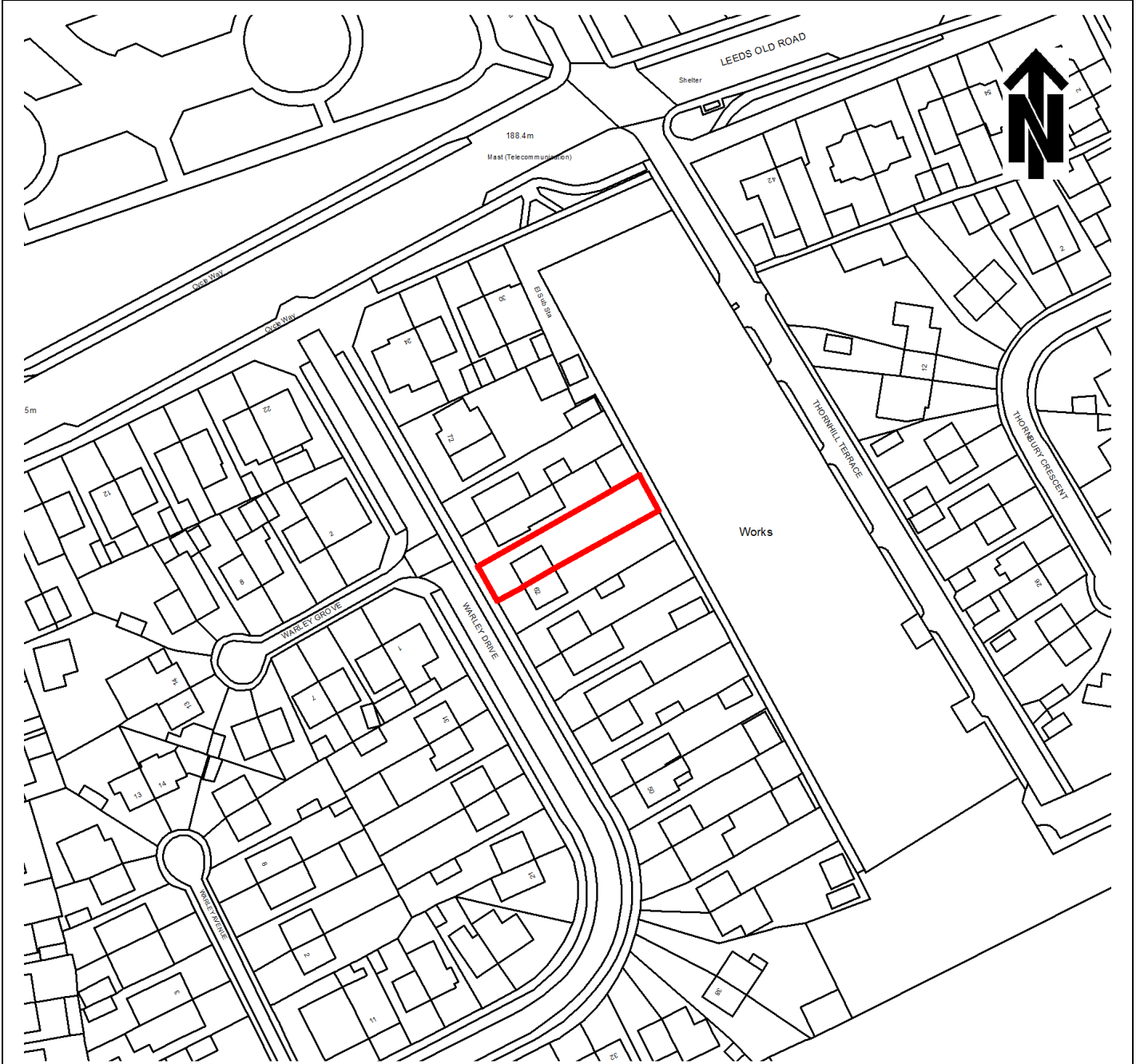
Circumstances:
Following a complaint received in this office, a site visit revealed the above breach of planning control. Despite requests from the Local Planning Authority, the owner of the property has taken no action to rectify the matter. It is considered expedient to issue an Enforcement Notice as the rear dormer window is detrimental to the visual amenity of the parent building and surrounding area by virtue of its scale and design and the use of unsympathetic facing materials in its construction that do not match the existing roof of the host dwelling. As a result it presents an incongruous feature which is at odds with the character of this residential area.

The Planning Manager (Enforcement and Trees) authorised enforcement action on 31 March 2022 requiring the demolition of the rear dormer window or the replacement of the plastic cladding with a material which is of a similar appearance to that used on the roof of the property.

18/00718/ENFUNA



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**64 Warley Drive
Bradford
BD3 8HP**

27 April 2022

Item Number: I
Ward: BRADFORD MOOR
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
18/00718/ENFUNA

Site Location:
64 Warley Drive Bradford West Yorkshire BD3 8HP

Breach of Planning Control:

Without planning permission the construction of a dormer window to the front and rear of the property.

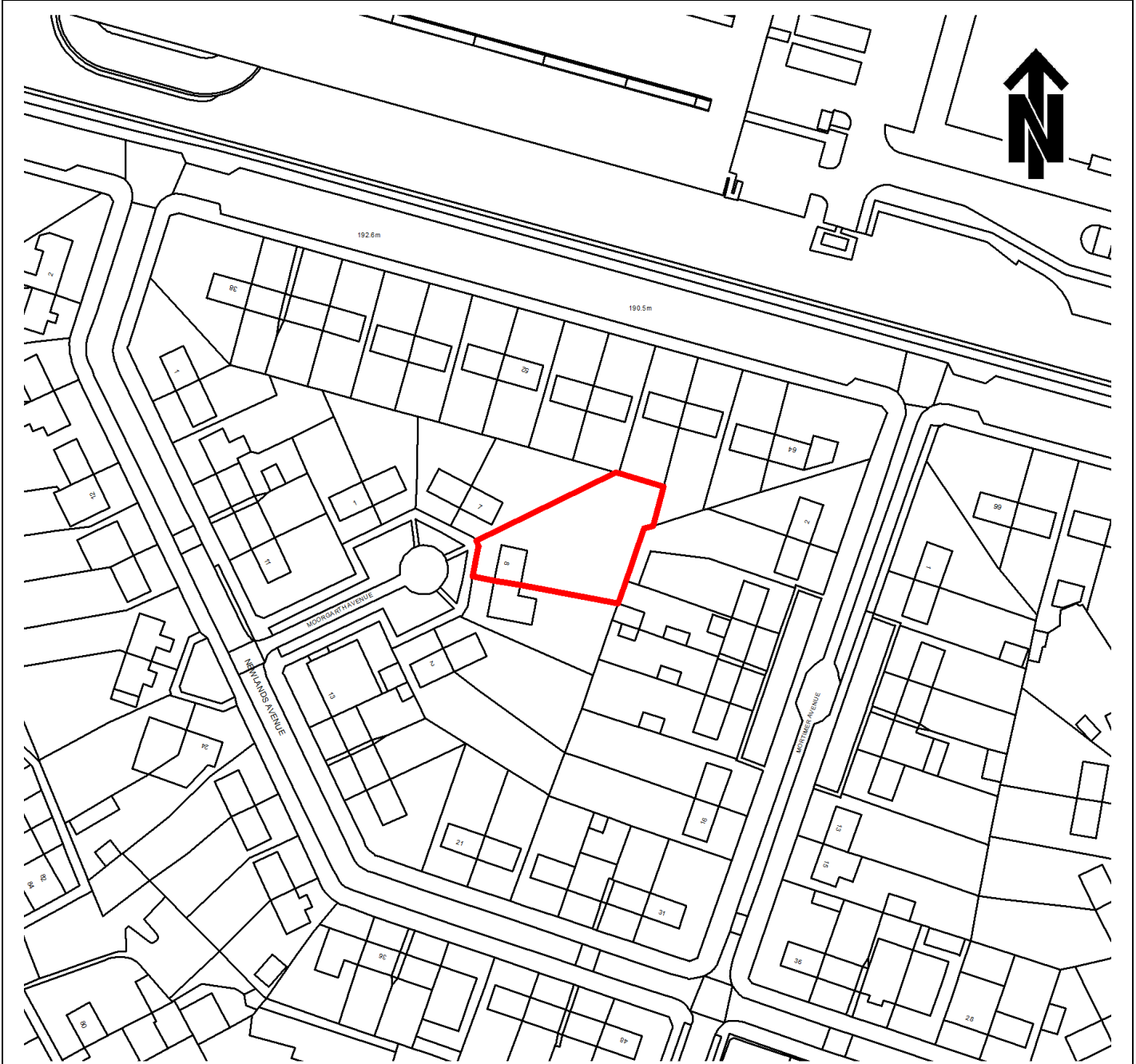
Circumstances:

Following a complaint received in this office in August 2018, a site visit revealed the above breach of planning control. Despite a request from the Local Planning Authority, the owner of the property has taken no action to rectify the matter.

It is considered expedient to issue an Enforcement Notice as the dormer window on the front and rear roof plane represents unwelcome and strident features in the street scene due to the use of plastic cladding and slate.

The Planning Manager (Enforcement and Trees) authorised enforcement action on 23 February 2022 requiring the demolition of the front and rear dormer window or the replacement of the plastic cladding and slate with a tile to match the roof of the dwelling house.

20/00993/ENFUNA



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**8 Moorgarth Avenue
Bradford
BD3 7HA**

27 April 2022

Item Number: J
Ward: BRADFORD MOOR
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/00993/ENFUNA

Site Location:
8 Moorgarth Avenue Bradford West Yorkshire BD3 7HA

Breach of Planning Control:
Unauthorised construction of detached dwelling within curtilage of property

Circumstances:
Following an enquiry received in this office in June 2020, a site visit revealed that a large detached dwelling was being constructed in the rear garden area of the property.

The planning records revealed that planning permission (20/00076/HOU), had previously been granted for an outbuilding to be used as an annexe and the construction of a detached garage to the rear of the site. The development on site is substantially different from the previously approved application, with the footprint of the structure being larger than both the approved annexe and garage combined. The Council has no record of any consent being granted for the dwelling under construction

Despite requests from the Local Planning Authority, the owner of the property have taken no action to remedy the breach of planning control.

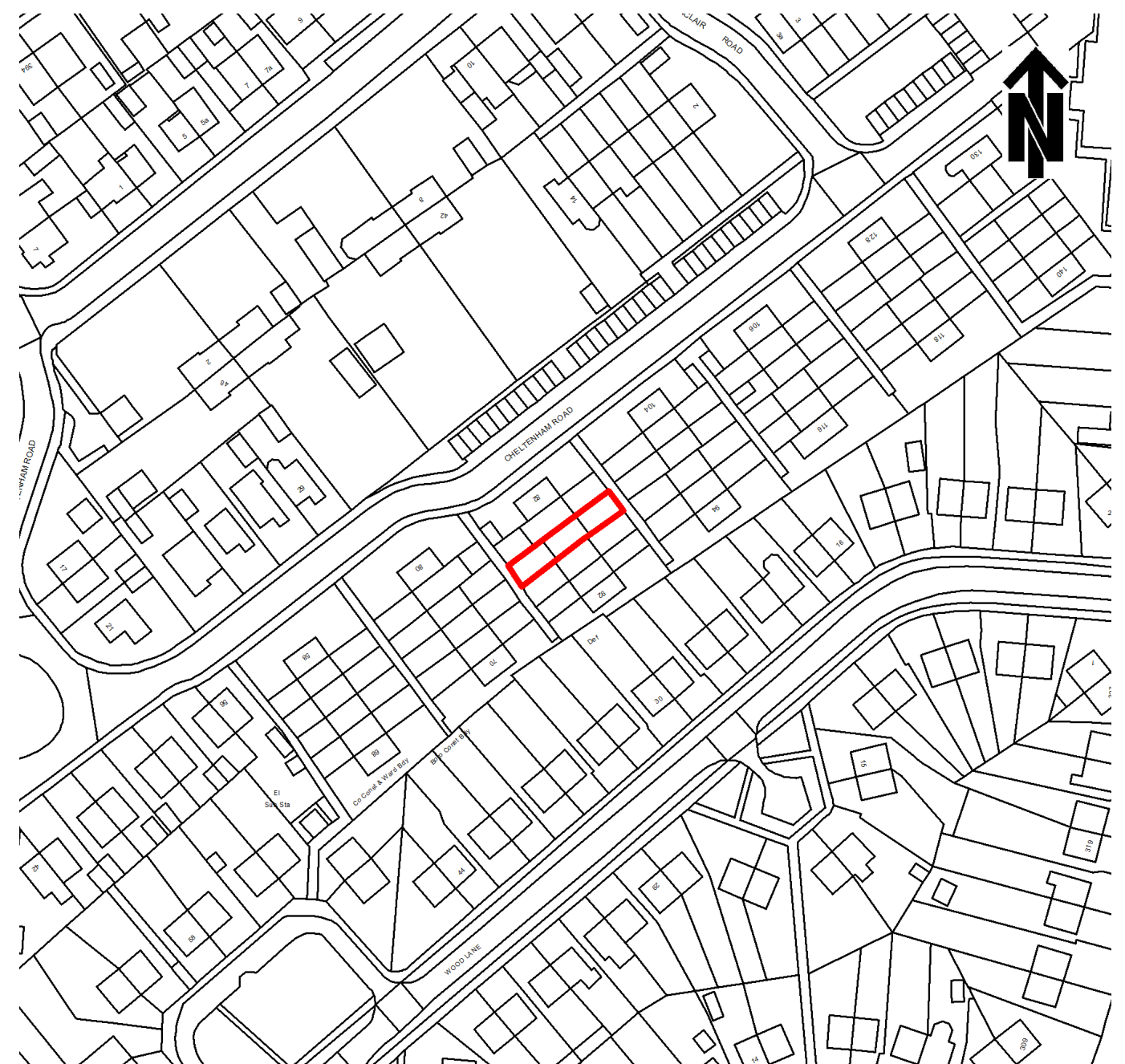
On 7 February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised detached dwelling, by reason of its fenestration and close proximity to neighbouring dwellings, is causing significant harm to amenity through overlooking and loss of privacy. The unauthorised dwelling also fails to provide any suitable outdoor amenity area for existing and future occupiers of the dwelling to the detriment of residential amenity. Furthermore, the access point created for the unauthorised dwelling has resulted in the loss of on street parking provision resulting in additional pressure on the highway, causing detriment to highway safety and amenity.

The development is contrary to Policies DS1, DS3, DS4, DS5, TR2 and SC9 of the Council's adopted Core Strategy Development Plan Document, the Council's adopted Householder Supplementary Planning Document and the principles of the National Planning Policy Framework.

20/01500/ENFUNA



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86 Cheltenham Road
Bradford
BD2 1QQ

27 April 2022

Item Number: K
Ward: WINDHILL AND WROSE
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01500/ENFUNA

Site Location:
86 Cheltenham Road Bradford West Yorkshire BD2 1QQ

Breach of Planning Control:

The construction of an unauthorised bay window extension to the front elevation of the property on the land.

Circumstances:

Following an enquiry received in this office in November 2020, a site visit carried out revealed that a single storey bay window extension had been constructed to the front (north-east facing) elevation of the dwelling.

In response to challenge letters sent to the owner/occupants of the property, a retrospective planning application reference 21/05709/HOU seeking consent for bay window as built was submitted but subsequently refused by the Local Planning Authority on 6 January 2022.

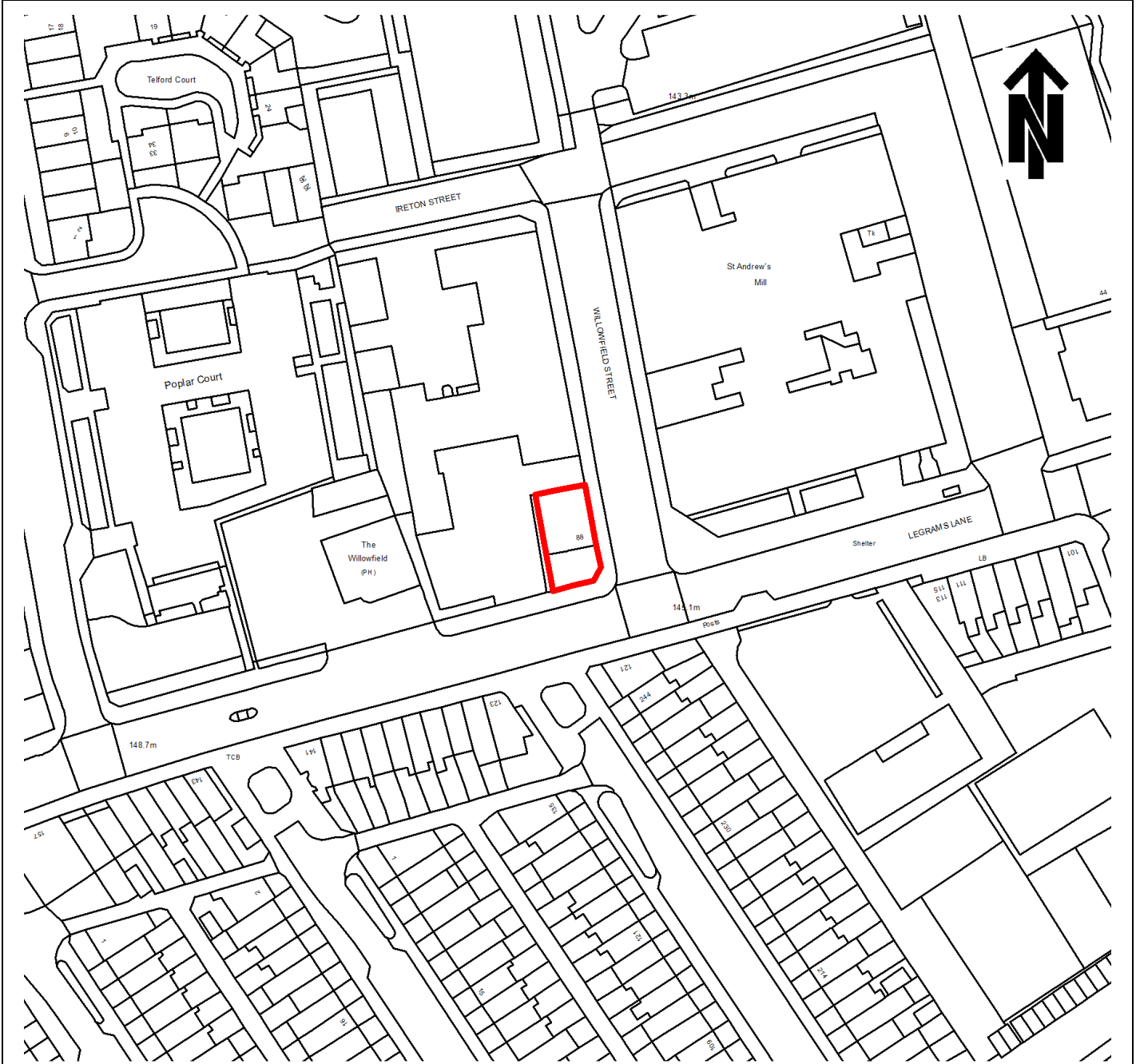
On 17 February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised front bay window extension represents a visually incongruous and prominent feature, that fails to relate to the character and appearance of the terraced row and wider street scene. The bay window is causing significant harm to the visual amenity of the local environment.

Furthermore, the front bay window extension, by reason of its depth and positioning, enables direct overlooking at close quarters of the adjoining neighbouring property, causing significant harm to residential amenity through loss of privacy. The development is contrary to Policies DS1, DS3 and DS5 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

20/01361/ENFUNA



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88 Legrams Lane
Bradford
BD7 2AD

27 April 2022

Item Number: L
Ward: CITY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01361/ENFUNA

Site Location:
88 Legrams Lane Bradford West Yorkshire BD7 2AD

Breach of Planning Control:

Without planning permission, the siting of a pre-fabricated storage container clad with solid roller shutters to the south of the building on the land

Circumstances:

In October 2020 the Council received an enquiry regarding alleged unauthorised storage container sited on the land at the above property.

A site visit revealed that pre-fabricated storage container clad with solid roller shutters had been sited on land to the south of the property. The Council have no record of any consent having being granted for extension as built.

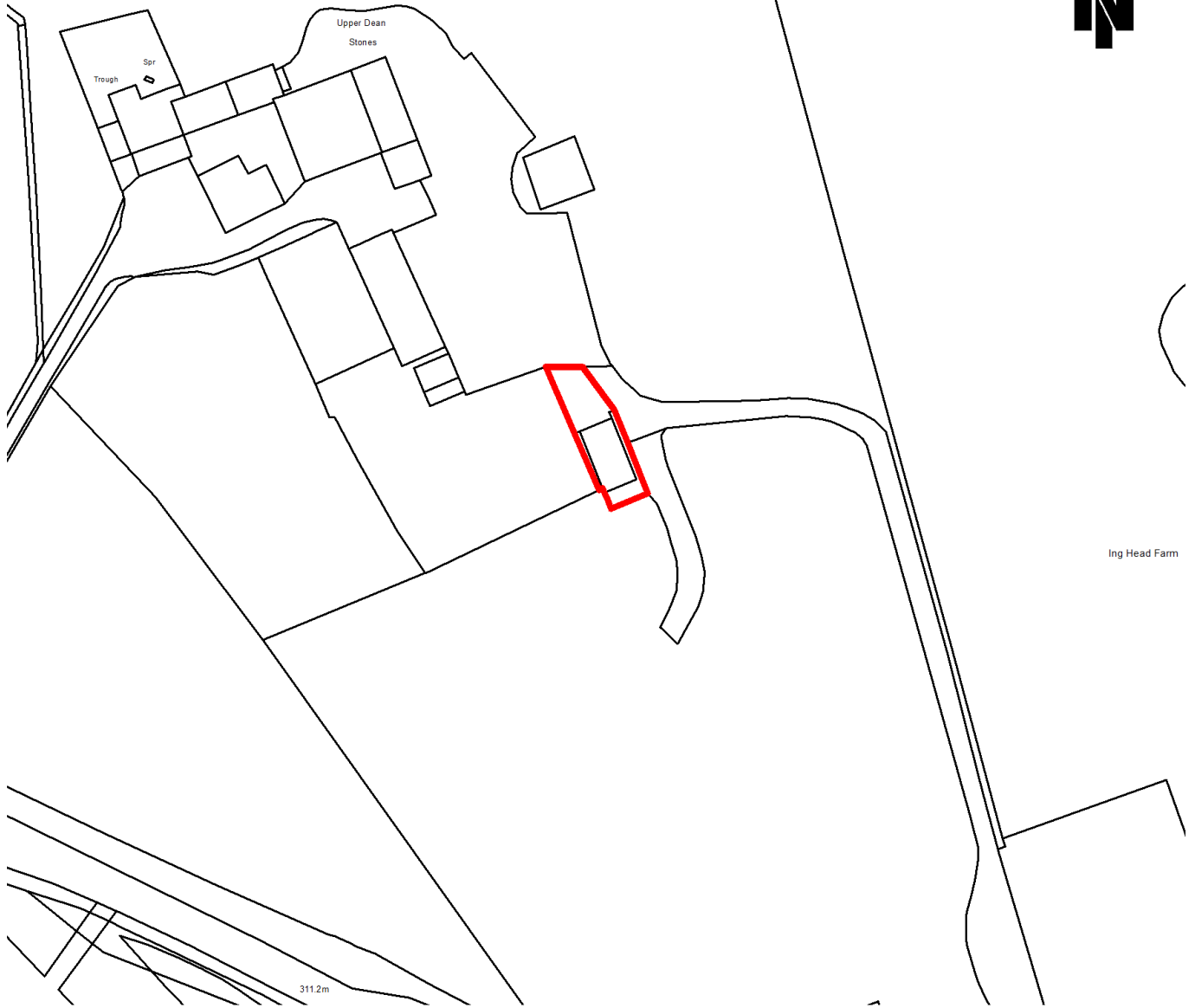
Despite numerous letters to the owner/occupants of the property, the unauthorised containers remain in situ and the matter unresolved.

On 23 February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised pre-fabricated storage container, by reason of its design and positioning, represents a prominent and visually incongruous addition to the wider street scene, causing significant harm to visual amenity, contrary to Policies DS1, DS3 and SC9 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

19/00026/ENFUNA



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**Deanstones Farm
Deanstones Lane
Queensbury
Bradford BD13 2LL**

27 April 2022

Item Number: M
Ward: QUEENSBURY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
19/00026/ENFUNA

Site Location:
Deanstones Farm Deanstones Lane Queensbury Bradford West Yorkshire BD13 2LL

Breach of Planning Control:
Without planning permission, the unauthorised construction of a building that is being used as a residential dwelling house.

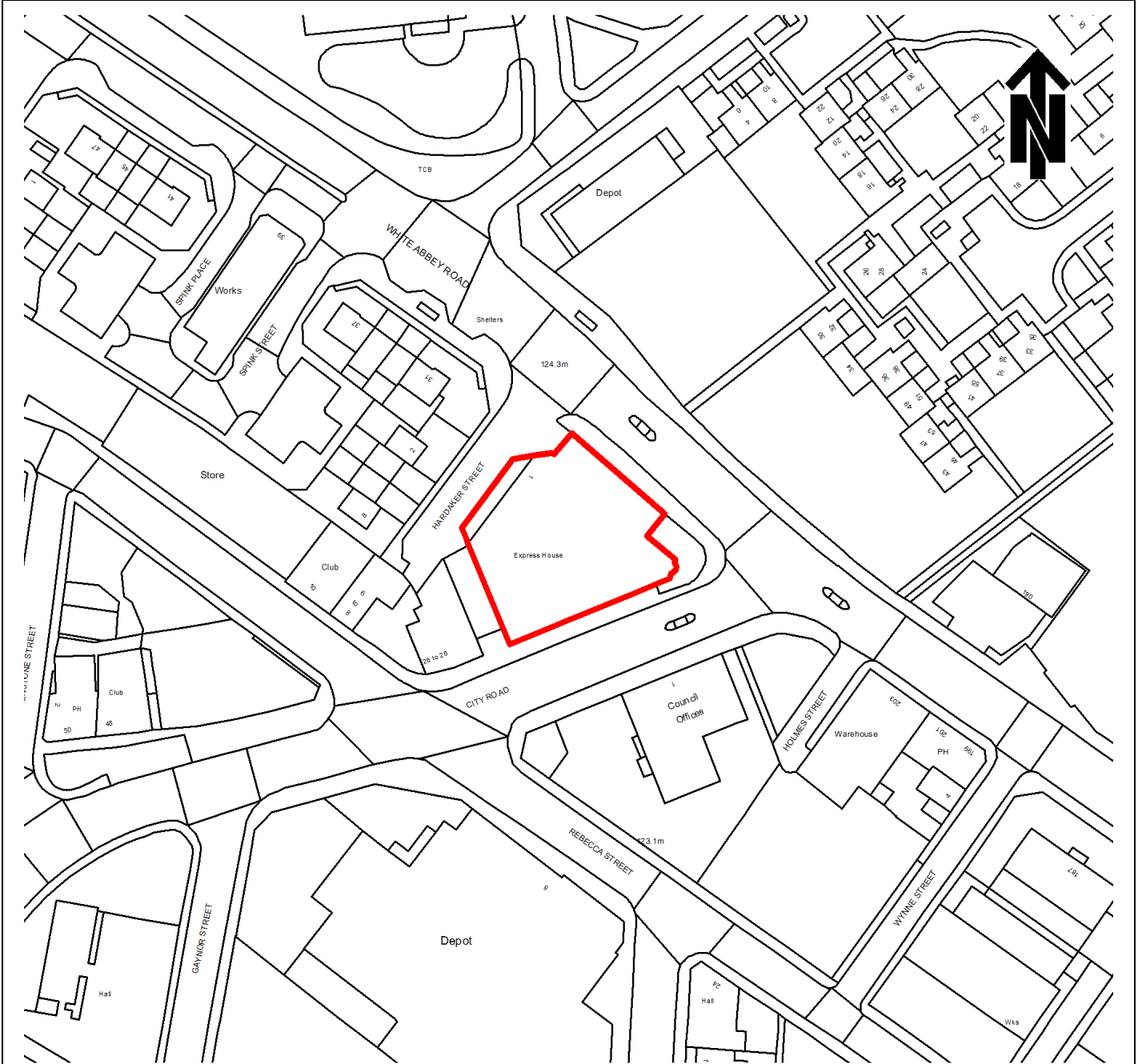
The Local Planning Authority received an enquiry regarding the above development. Following a request from the Local Planning Authority the owners of the land submitted a retrospective planning and planning permission was subsequently refused. An appeal against the Council's decision to refuse planning permission was submitted to The Planning Inspectorate and on 28 September 2021 the appeal was dismissed.

Despite a request from the Local Planning Authority, the building remains in situ and the matter remains unresolved.

It is considered expedient to issue an Enforcement Notice because the unauthorised building constitutes inappropriate development in the Green Belt. It also results in a modest loss of openness and is therefore also harmful to the essential character of the Green Belt.

The Planning Manager (Enforcement and Trees) authorised enforcement action on 14 October 2021 requiring the owner of the land to demolish the building, remove all arising materials from the land and reinstate the land to its former appearance.

20/01029/ENFUNA



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**Express House
White Abbey Road
Bradford
BD8 8EJ**

27 April 2022

Item Number: N
Ward: MANNINGHAM
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01029/ENFUNA

Site Location:
Express House White Abbey Road Bradford West Yorkshire BD8 8EJ

Breach of Planning Control:
The installation of six unauthorised externally mounted roller shutters on the front and front corner elevations of the property.

Circumstances:
In July 2020 the Council received an enquiry regarding alleged unauthorised roller shutters at the above property.

A site visit revealed that six externally mounted roller shutters and shutter boxes had been installed to the north east facing (front and front corner) elevation of the building. The council had no record of any consent being granted for roller shutters as installed.

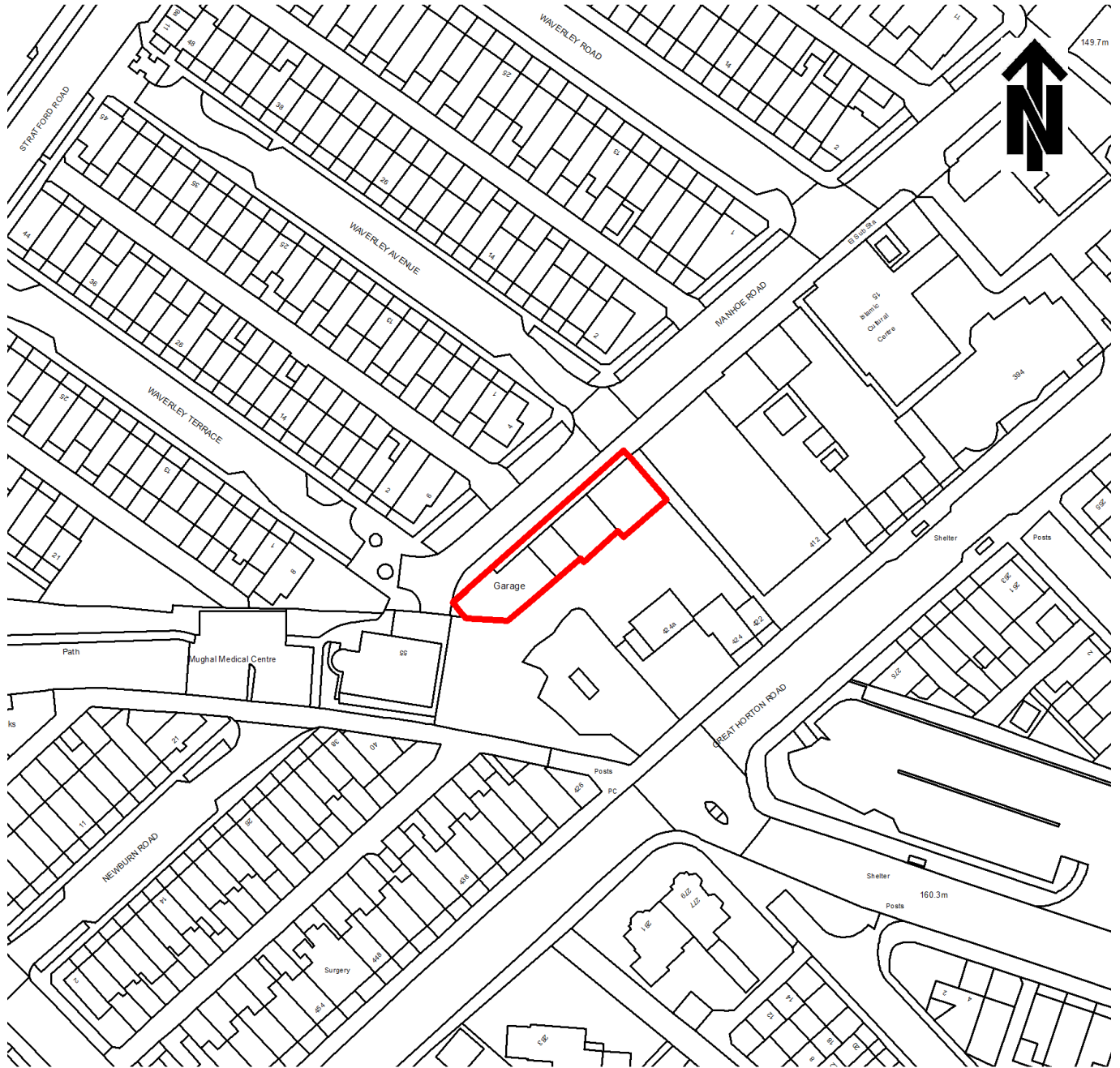
Despite requests from the Local Planning Authority, the owner/occupants of the property have taken no action to remedy the breach of planning control.

On 9 February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised externally mounted roller shutters and shutter boxes are detrimental to visual amenity by virtue of their design and appearance, forming incongruous features on the building and in the street scene, contrary to Policies DS1, DS3, and SC9 of the Council's adopted Core Strategy Development Plan Document, the Council's adopted Shopfront Design Guide, the Council's adopted A Shopkeepers Guide to Securing Their Premises Supplementary Planning Document and the principles of the National Planning Policy Framework.

18/00639/ENFAPP



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**Saleh Autos
Ivanhoe Road
Bradford BD7 3HY**

27 April 2022

Item Number: O
Ward: CITY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
18/00639/ENFAPP

Site Location:
Saleh Autos Ivanhoe Road Bradford West Yorkshire BD7 3HY

Breach of Planning Control:
Without planning permission the installation of three externally mounted roller shutters, shutter boxes and associated guide rails on the front elevation of the premises.

Circumstances:
Following an enquiry received in this office, a site visit revealed the above breach of planning control. Despite a request from the Local Planning Authority, the owner of the property has taken no action to rectify the matter.

It is considered expedient to issue an Enforcement Notice as the roller shutters, shutter boxes and associated guide rails obscure the entire frontage when lowered, which combined with the projection of the shutter boxes results in a significantly dominant and incongruous appearance that is readily apparent in public views. Consequently, the development has a significantly harmful effect on the appearance of the building and the quality of the street scene.

The Planning Manager (Enforcement and Trees) authorised enforcement action on 11 March 2022 requiring the removal of the externally mounted roller shutters, shutter boxes and associated guide rails.

DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
P	Queensbury (ward 20)	18 Mountain Brighthouse And Denholme Road Denholme Bradford BD13 1JE Detached garden room parking area and access gates with stone pillars (retrospective) - Case No: 21/04054/HOU Appeal Ref: 21/00116/APPHOU
Q	Little Horton (ward 18)	2 Woodcross Court Bradford BD5 7LW Construction of single storey rear extension of the following dimensions :- Depth of proposed extension from rear wall of original dwellinghouse : 6.0m Maximum height of proposed extension : 4.0m Height to eaves of proposed extension : 3.0m - Case No: 21/04342/PNH Appeal Ref: 21/00150/APPHOU
R	Bowling And Barkerend (ward 05)	3 Undercliffe Lane Bradford BD3 0DW First floor rear extension - Case No: 21/05453/HOU Appeal Ref: 22/00020/APPHOU
S	Toller (ward 24)	5 Moorside Daisy Hill Bradford BD9 6DH First floor extension to rear - Case No: 21/03465/HOU Appeal Ref: 21/00114/APPHOU
T	City (ward 07)	Land To East Of Cemetery Road Bradford Upgrade of existing 48 sheet advert to support digital poster - Case No: 21/05076/ADV Appeal Ref: 22/00004/APPAD1

Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
U	Bolton And Undercliffe (ward 04)	12 Lodore Avenue Bradford BD2 4JG Construction of dormer window to front – Case No: 21/03482/HOU Appeal Ref: 21/00140/APPHOU
V	Bradford Moor (ward 06)	133 Lapage Street Bradford BD3 8AF Single storey rear extension - Case No: 21/03536/HOU Appeal Ref: 21/00113/APPHOU
W	Bradford Moor (ward 06)	1356 Leeds Road Bradford BD3 8ND Appeal against Enforcement Notice - Case No: 19/00787/ENFAPP Appeal Ref: 21/00094/APPENF
X	Queensbury (ward 20)	16 Puffin Close Bradford BD6 3XZ Two storey extension to rear - Case No: 21/04618/HOU Appeal Ref: 21/00139/APPHOU
Y	Thornton And Allerton (ward 23)	2 Sowden Grange Thornton Bradford BD13 3TH Demolition of existing garage and construction of new garage with link extension to as-built single storey rear extension - Case No: 21/05622/HOU Appeal Ref: 22/00011/APPHOU
Z	Eccleshill (ward 10)	22 Bank Bradford BD10 8BN Appeal against Enforcement Notice - Case No: 20/01037/ENFUNA Appeal Ref: 21/00102/APPENF
AA	Bradford Moor (ward 06)	23 Granton Street Bradford BD3 8EF Front dormer windows - Case No: 21/05380/HOU Appeal Ref: 22/00021/APPHOU

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
AB	Windhill And Wrose (ward 28)	406 Livingstone Road Wrose Bradford BD2 1QD Appeal against Enforcement Notice - Case No: 20/00821/ENFUNA Appeal Ref: 21/00141/APPENF
AC	Great Horton (ward 11)	6 Legrams Avenue Bradford BD7 2PP Front porch - Case No: 21/03640/HOU Appeal Ref: 21/00121/APPHOU
AD	Wyke (ward 30)	6 Wooller Road Bradford BD12 0RR Convert basement to self contained bedsit with kitchen and bathroom - Case No: 21/05209/FUL Appeal Ref: 22/00006/APPFL2
AE	Windhill And Wrose (ward 28)	86 Cheltenham Road Bradford BD2 1QQ Retrospective front bay window with front entrance cladding - Case No: 21/05709/HOU Appeal Ref: 22/00016/APPHOU
AF	Idle And Thackley (ward 13)	Land At Apperley Lane Apperley Bridge Bradford Realignment and resurfacing of the existing access track through the construction of a new access road and vehicle access, and the re-grassing and landscaping of area of the current site access track. - Case No: 21/03102/FUL Appeal Ref: 21/00151/APPFL2
AG	Clayton And Fairweather Green (ward 08)	Land At Yew House Brow Lane Bradford BD14 6PX Detached dwelling - Case No: 21/01011/FUL Appeal Ref: 21/00120/APPFL2

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
AH	Windhill And Wrose (ward 28)	Litton Cheney 16 All Alone Road Bradford BD10 8TX Outline application for residential development of land for 3 dwellings with all matters reserved - Case No: 21/02262/OUT Appeal Ref: 21/00157/APPOU2
AI	Little Horton (ward 18)	Old Vic 56 Park Lane Little Horton Bradford BD5 0JW Refurbishment and extension of proposed mixed use building including adding additional storey and site boundary wall around site parameter - Case No: 20/05920/FUL Appeal Ref: 21/00076/APPFL2
AJ	City (ward 07)	Sun Hotel 124 Sunbridge Road Bradford BD1 2ND Installation of non illuminated advertisement banner, measuring 6m x 6m and made from micromesh weave PVC - Case No: 21/01004/ADV Appeal Ref: 21/00078/APPAD1
AK	Heaton (ward 12)	The Grange Stoney Ridge Road Bradford BD16 1UN Two storey side extensions - Case No: 21/05610/HOU Appeal Ref: 22/00010/APPHOU

Appeals Upheld

There are no Appeal Upheld Decisions to report this month

Appeals Upheld (Enforcements Only)

There are no Appeal Upheld Decisions to report this month

Appeals Withdrawn

There are no Appeal Withdrawn Decisions to report this month

Appeal Allowed in Part/Part Dismissed

There are no Appeals Allowed in Part/Part Dismissed to report this month

Notice Upheld

There are no Notice Upheld to report this month

Notice Varied and Upheld

There are no Notice Varied and Upheld to report this month