

Application No: 16/06681/FUL

REFULZ

**TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

**Mr Paul Proctor
C/O Peter Brooksbank
Glenview
Wilsden Old Road
Harden
Bingley
BD16 1JF**

REFUSAL OF PLANNING PERMISSION

Proposal: Construction of detached dwelling and garage
Location: 18 The Orchards Bingley West Yorkshire BD16 4AZ
Applicant: Mr Paul Proctor
Date Application Valid: 12 August 2016

City of Bradford Metropolitan District Council hereby gives notice of its decision to **REFUSE** planning permission for the development described above for the following reason(s):

Reasons for Refusal

1. The proposed dwelling would present its double garage as the main 'public' frontage, behind which the main house would have a relatively blank elevation, its limited features further obscured by being set down into the slope of the site. In effect the dwelling, dominated by a wide garage door, would provide a relatively featureless contribution to the street scene that is otherwise made up of modern houses, their two-storey front elevations enclosing the street. The proposal therefore represents an unwelcome and strident feature, visually incongruous with the existing buildings, and harmful to the visual amenity and character of the street scene. For this reason the proposal is unacceptable when measured against policies UR3 and D1 of the Council's adopted Replacement Unitary Development Plan.
2. The proposed development is undesirable as it would result in damage to established protected trees, and it involves the removal of a number of newly planted trees required to replace felled specimens under Local Planning Authority reference 15/00755/TPO, to the detriment of the visual amenity of the area as a whole. This would be contrary to policies UR3, D1, D5, NE4, NE5 and NE6 of the Council's adopted Replacement Unitary Development Plan.
3. The site forms part of a larger area that is affected by Tree Preservation Order 0121 and the proposed dwelling would be immediately adjacent to mature woodland, which



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would result in significant areas of outdoor private amenity space and habitable room windows that will be square-on, and at very close quarters, to trees and beneath their canopies. The proximity of mature trees and their future growth will overshadow or restrict adequate natural light penetration and lead to unsatisfactory living conditions for future residents; the proposal is therefore likely to increase pressure to fell or lop trees to the detriment of visual amenity. The proposal is therefore contrary to policies UR3, D1, D5, NE4, NE5 and NE6 of the Council's adopted Replacement Unitary Development Plan.

Footnotes:**STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2012**

In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Replacement Unitary Development Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Footnote: Plans associated with this application can be viewed at www.bradford.gov.uk/planning and click on "view planning applications".

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YOUR RIGHTS IN CONNECTION WITH THIS NOTICE

Appeals to the Secretary of State

APPLICATIONS FOR PLANNING PERMISSION

If you are aggrieved by the decision of the local planning authority to refuse planning permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice*.

For all other applications, if you want to appeal your local planning authority's decision then you must do so within 6 months of the date of this notice*.

However, if an Enforcement notice has been served for the same or very similar development, the time limit is:

- **28 days from the date of the Local Planning Authority's decision** if the Enforcement Notice was served before the decision was made, yet not longer than 2 years before the application was made, or
- **28 days from the date the Enforcement Notice** was served, if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

Appeals must be made using a form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Tel 0303 444 5000 or online at <https://acp.planninginspectorate.gov.uk>

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application for and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

You must send a copy of your appeal to Department of Regeneration, Development Services, Britannia House, Hall Ings, Bradford BD1 1HX or planning.appeals@bradford.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

*Applicants are advised that it is the Council's understanding that the time period for lodging an appeal is reckoned from the date of issue of this notice.