

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory & Appeals Committee to be held on 19 November 2020**

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**AT**

### **Subject:**

This application (20/02561/HOU) is seeking planning permission for two rear dormer windows and a roof extension to 8 Highfield Place, Bradford.

### **Summary statement:**

Currently there are three box style dormer windows on the rear elevation of this property and a roof extension that were all built without planning permission – therefore representing unauthorised development.

There is an ongoing enforcement enquiry relating to the unauthorised works. An enforcement notice was served in April 2018, and a subsequent appeal of the notice dismissed by the Planning Inspectorate in November 2018.

The proposal is a resubmission of a previous application (19/05158/HOU) that the Local Planning Authority declined to determine, on the basis that the proposal did not overcome the reasons for issuing the enforcement notice or the reasons for the Inspectorate dismissing the appeal.

The current application proposes dormer windows of an unacceptable design having pitched roofs which appear out of place and are contrary to guidance on design of dormer windows set out in the Householder Supplementary Planning Document. If the pitched roofs were replaced with flat roofs and cladding was removed from their front elevations, they would be acceptable.

This application was previously due to be referred to the October Regulatory and Appeals Committee. However, the application was deferred in order to carry out statutory publicity by site notice and press advertisement.

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### **Portfolio:**

**Regeneration, Planning and Transport**

### **Overview & Scrutiny Area:**

**Regeneration and Economy**

**1. SUMMARY**

This application (20/02561/HOU) is seeking planning permission for two rear dormer windows and a roof extension to 8 Highfield Place, Bradford.

**2. BACKGROUND**

Attached as Appendix 1 – A copy of the Case Officer's report which identifies the background and material considerations for the proposal.

**3. OTHER CONSIDERATIONS**

None.

**4. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications for the Council arising from this application. The proposal is not liable for Community Infrastructure Levy.

**5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

No implications.

**6. LEGAL APPRAISAL**

The determination of the application is within the Council's powers as the Local Planning Authority.

**7. OTHER IMPLICATIONS**

**7.1 EQUALITY & DIVERSITY**

Equality Act 2010, Section 149 - In the assessment of this proposal, 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.

**7.2 SUSTAINABILITY IMPLICATIONS**

None.

**7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

**7.4 COMMUNITY SAFETY IMPLICATIONS**

The Community Safety Implications of the proposed development are considered in Appendix 1.

**7.5 HUMAN RIGHTS ACT**

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

**7.6 TRADE UNION**

None.

**7.7 WARD IMPLICATIONS**

There are no Ward implications posed by this development.

**7.8 IMPLICATIONS FOR CORPORATE PARENTING**

None.

**7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

No privacy impact assessment was undertaken, due to the nature of the proposal.

**8. NOT FOR PUBLICATION DOCUMENTS**

There are no 'not for publication' documents.

**9. OPTIONS**

This Committee has the authority to approve or refuse this development. As officers have recommended refusal, the reasons for refusal have already been stated in the officer's report (Appendix 1).

**10. RECOMMENDATIONS**

It is recommended that the Committee accept the recommendation of refusal within the report attached as Appendix 1.

**11. APPENDICES**

List the appendices to Appendix 1 – Planning Officer's Report.

**12. BACKGROUND DOCUMENTS**

National Planning Policy Framework

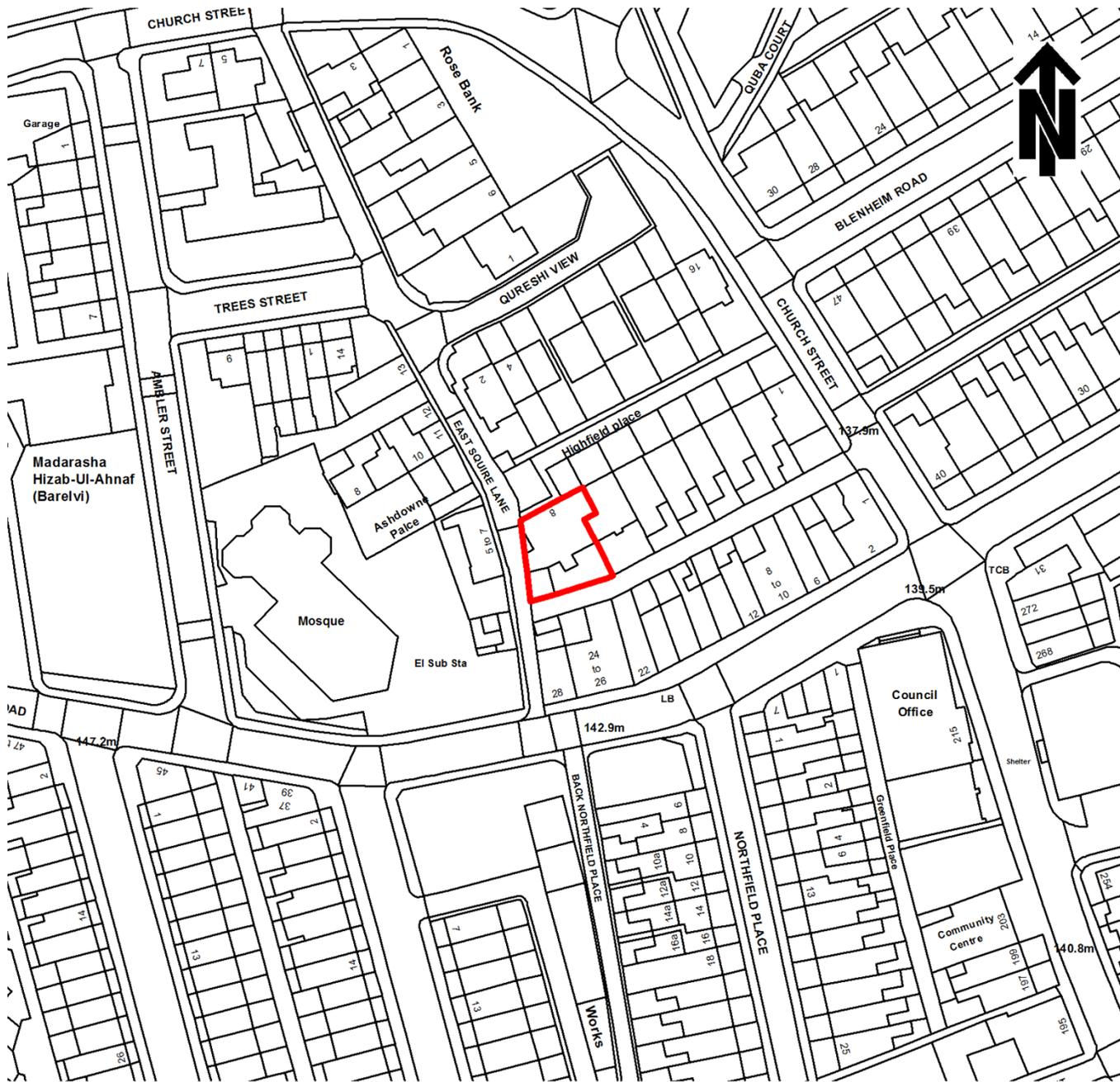
The Core Strategy Development Plan Document

The Replacement Unitary Development Plan for Bradford District

20/02561/HOU



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**8 Highfield Place  
Bradford  
BD8 7NN**

**Appendix 1**

**Date: 19 November 2020**  
**Ward: MANNINGHAM (WARD 19)**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
20/02561/HOU

**Type of Application/Proposal and Address:**

This application is seeking planning permission for the construction of two rear dormer windows and a roof extension to 8 Highfield Place, Bradford, BD8 7NN.

**Applicant:**  
Miss Amarazun Bibi

**Agent:**  
Mr Rashid Moghul

**Site Description:**

The applicant dwelling is a natural stone built end terraced property, with a natural slate tiled gable end roof and UPVC window fittings. The dwelling is situated in a residential area, on the end of a terraced row of properties that share a similar design and appearance. The surrounding area is characterised by rows of terraced properties. The application site is located in the St Paul's Conservation Area and is within the setting of several grade II listed buildings. The applicant dwelling is not however a Listed Building.

**Relevant Site History:**

The Council became aware of this unauthorised development in September 2016 and following investigation an enforcement notice was issued against the works. The subsequent appeal was dismissed and the Council declined to determine the application listed below as it proposed development that was identical to development dismissed on appeal:

19/05158/HOU - Rear dormer window and roof extension – Declined to determine  
20.12.2019

**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;

- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

#### **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 above 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 Place  
EN3 – Historical Environment  
SC9 – Making Great Places

#### **Adopted Design Guidance**

Householder Supplementary Design Guide

#### **Parish Council:**

The site is not located within a Parish.

#### **Publicity and Number of Representations:**

This application was initially advertised by neighbour notification letters and this publicity expired on 1 August 2020. Two letters of support have been received from Ward Cllrs and three support comments were received from local residents.

The application was re-publicised as a development after the character and setting of a conservation area with a site notice and a press advertisement. This publicity period expires on 13 November 2020. Members will be verbally updated of any additional representations received after this report has been finalised.

#### **Summary of Representations Received:**

- Dormers are required to overcome overcrowding situation and meets needs of three disabled/elderly family members.
- The works have no detrimental impact on the area.
- The works were completed without causing any disturbance or nuisance.
- Adds character to area.
- Noted there are many dormers in the area.

**Consultations:**

Conservation Team – Concerns regarding the visual impact of the proposal on the character and appearance of the conservation area. Proposal is out of keeping with traditional roof scape of host property and surrounding dwellings. Dormers will appear over dominant and discordance. The proposal does not satisfy Core Strategy Policy EN3 as it does not maintain the character and appearance of the conservation area.

**Summary of Main Issues:**

1. Site History.
2. Impact on Visual Amenity.
3. Heritage Implications.
4. Impact on Neighbouring Occupants.
5. Highway Safety.
6. Other Planning Considerations.

**Appraisal:**

**1. Site History**

It is important to understand the history and context of this site in relation to the current planning application.

Three box style rear dormer windows and a roof extension were constructed without planning permission at the property. A complaint was received from building control – which prompted the opening of a Planning Enforcement enquiry into the unauthorised development in September 2016. Following challenge letters, an Enforcement Notice was served on the unauthorised works in April 2018.

The applicant decided to appeal the Enforcement Notice to the Planning Inspectorate, on the grounds that planning permission should be granted and that the breach of control alleged in the enforcement notice has not occurred as a matter of fact. The Planning Inspector determined that the rear dormers appear dominant, conflict with the Council's Design Guidance and will cause harm to the conservation area. The appeal was dismissed in November 2018 on both grounds and the Inspector refused to grant planning permission.

A planning application seeking permission for one larger rear dormer window covering the entire rear roof planes (19/05158/HOU) was submitted in December 2019. The Local Planning Authority decline to determine the application – on the grounds that the proposal did not overcome the reasons for issuing the enforcement notice or the reasons for the Inspectorate dismissing the appeal.

The current application (20/02561/HOU) proposes two rear dormer windows to the property to replace the current unauthorised development.

**2. Impact on Visual Amenity:**

As the applicant dwelling is situated within a conservation area, any alterations or extensions to the rear roof planes of the dwelling cannot benefit from permitted development rights under Class B. This is clearly stated under paragraph B of the permitted development order. The proposed dormer windows will therefore be assessed using the design guidance stipulated in the Householder Supplementary Design Guide.

The proposed two rear dormer windows will measure an acceptable 2.70 metres in width, retain a distance of 1.50 metres from the boundary of the roof on either side and will retain a separation gap of 1.50 metres between the two dormers. The rear dormers will also be positioned back from the eaves and down from the ridge of the host dwellings roof. The dormer windows have a bulky frame, which will likely consist of cladding on the principal elevation. The Householder SPD states that "When cladding is needed, it should be restricted to the sides of the dormer window only". The proposed dormer windows will also be constructed with a pitched roof design. This is only acceptable on dormers that have a maximum width of 1.50m. Dormer windows that measure 3.00m in width require a flat roof in order to comply with the aforementioned Householder SPD. The proposed dormer windows represent poor design and will appear visually prominent within the local environment.

The proposed roof extension will increase the height of the gable end wall by 2.80 metres. The works have already been completed, and have used materials that match the host dwelling. There are no concerns relating to the design or appearance of the roof extension, or the impact it has on visual amenity.

Due to the poor design of the proposed rear dormer windows, the proposal will cause significant harm to the visual amenity of the local environment. For this reason, the proposal will fail to comply with Policies DS1 and DS3 of the Core Strategy Development Plan Document and the adopted Householder Supplementary Planning Document.

### **3. Heritage Implications:**

The application site is a 19th century end-terrace dwelling located within St Paul's Conservation Area and within the setting of several nearby Grade II listed buildings on East Squire Lane and Ashdown Place.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development 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 Council's conservation officers have concluded that the proposal would have less than substantial impact on the conservation area and the setting of nearby listed buildings which, in the absence of any public benefits associated with the development, would be unacceptable. Objections are raised to the changes to the profile of the roof and the design of the proposed dormer windows. Whilst it is acknowledged that the shape of the roof appears a little awkward it is important to note that the Planning Inspector did not raise any issues with this aspect of the proposal when dismissing the appeal against the enforcement notice. As a consequence, this aspect of the proposal is considered to be acceptable.

As noted above the proposed dormer windows by reason of their pitched roof design and incorporation of significant amounts of cladding to their front elevations are considered to be harmful to the character and appearance of the conservation area with no public benefits to outweigh the harm. The proposal is therefore contrary to Policy EN3 of the Core Strategy DPD and the NPPF.

**4. Impact on Neighbouring Occupants:**

The proposed rear dormer windows will not result in direct overlooking of neighbouring habitable room windows or, private external amenity space and replicate a relationship common within the street scene. As such there will be no harm to the amenity of neighbouring residents. The proposed roof extension will unlikely cause any significant overbearing or loss of light, as the dwelling is on the end of a terraced row and the extended roof will match the height of the host dwelling.

The proposal will not represent any threat to the residential amenity of the neighbouring occupants. The proposal will accord with Policy DS5 of Core Strategy Development Plan Document and the adopted Householder Supplementary Planning Document.

**5. Highway Safety:**

There will be no impact on parking or any detriment caused to highway safety.

**6. Other Planning Considerations:**

It has been stated in representations received from ward councillors that the dormer windows are required to overcome overcrowding and provide space for three disabled/elderly members of the household.

Although this has been stated in representations received – no evidence has been provided by the applicant to demonstrate that overcrowding is an issue or that there are any disabled person(s) residing within the household. The proposed floor plans show that the proposed two dormer windows will only provide one additional bedroom on the second floor.

Due to a lack of evidence and justification provided, it is considered that overcrowding is not a material planning consideration that will be used in the determination of this application. Furthermore, the revised plans requested by the Local Planning Authority (that was declined by the applicant) did not seek to reduce the size of the dormers or cause the loss of any floor space – but rather alter the external appearance and roof design.

**Community Safety Implications:**

None.

**Equality Act 2010, Section 149:**

Equality Act 2010, Section 149 - In the assessment of this proposal, 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. However, it is not considered that that any issues with regard thereto are raised in relation to consideration of this application, as no evidence has been provided to suggest otherwise.

**Reasons for Refusal:**

1. The proposed rear dormer windows represent poorly designed features, due to the pitched roof, bulky frames and use of excess cladding on the principle elevation. For this reason, the dormers will represent visually prominent features and will cause significant harm to the visual amenity of the local environment and the character and appearance of the St Paul's Conservation Area in which the site is located. The proposal fails to comply with Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document and the adopted Householder Supplementary Planning Document.