
Appeal Decision

Site visit made on 11 October 2016

by David Cross BA (Hons), PGDip, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 November 2016

Appeal Ref: APP/W4705/W/16/3150775
70 Abb Scott Lane, Bradford BD6 2NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Pensavalle against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/00716/FUL, dated 27 January 2016, was refused by notice dated 14 April 2016.
 - The development proposed is construction of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has stated that he is prepared to amend the west elevation of the proposed dwelling through the insertion of a kitchen window. However, this appeal must be determined on the basis of the plans that were considered by the Council. To do otherwise could prejudice the interests of the Council and any third parties who would not have been consulted on the alternative proposals.

Main Issues

3. The main issues are:
 - The effect on the character and appearance of the area; and,
 - Land stability, with particular reference to coal mining features.

Reasons

Character and Appearance

4. The appeal proposal consists of the erection of a two storey dwelling on the garden to the front of the host property of 70 Abb Scott Lane. The proposed dwelling would be constructed on the open plan garden area between the host property and Abb Scott Lane, which is a main road leading through the area.
 5. Due to the constricted nature of the site, the proposed dwelling would be located in close proximity to the site boundary to the north of the site adjacent to the nearby junction. The dwelling would therefore be readily visible in views from the surrounding area including the main road and from the public access
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road to the north west. Buildings to the north of Abb Scott Lane are located in close proximity to the highway, including the area to the north of the appeal site. However, buildings to the south of Abb Scott Lane are generally set back from the road and the proposal would be visible as a built feature projecting beyond this building line.

6. It was apparent at my site visit that there is some variation in the form of this building line to the south of Abb Scott Lane. Furthermore, a dwelling at the entrance to a residential estate some distance to the east projects in close proximity to the highway boundary. However, this is the exception, and in the vicinity of the appeal site the proposal would project forward of the building line to the south of Abb Scott Lane. The dwelling would therefore be an intrusive feature projecting beyond the building line, and would be particularly visible from an extensive open area to the west and from the entrance to the attractive estate of alms-houses the east.
7. There is an existing double garage adjacent to the site which is also visible in views along Abb Scott Lane. However, although the proposal has been designed to reduce the bulk of the building at first floor level, the dwelling would be higher than the garage and would be noticeably more prominent.
8. A degree of screening would be provided by a high hedge around the boundary of the site adjacent to the highway, although it was apparent at my site visit that there are gaps in this hedge which would enable views of the proposal. In any case, the roof of the dwelling would be visible projecting above the hedge and would therefore be prominent in the street scene. Furthermore, due to the constricted nature of the site, the hedge would reduce the levels of light reaching the small garden area of the dwelling and the windows of main habitable rooms. It would therefore be likely that residents of the dwelling would seek to reduce or remove the hedge which would exacerbate the prominence of the proposal.
9. The elevation of the proposed dwelling facing onto the shared circulation area would be relatively featureless, consisting of a wall with a central door and a roof slope with a pair of window lights. This elevation would have an austere and stark appearance when viewed from the dwellings to the south west and would have an enclosing overdominant effect on the shared circulation area. The proximity of the dwelling to the site boundary to the north and to the adjacent garage would also create a cramped and overdeveloped appearance. The loss of a significant area of the open plan garden due to the construction of the dwelling and associated parking garden would exacerbate the visual impact in relation to the adjacent dwellings.
10. I therefore conclude that the proposal would represent a prominent and cramped form of development which would be detrimental to the character and appearance of the area. It would therefore be contrary to Policy UR3 of the Replacement Unitary Development Plan for the Bradford District 2005 (UDP) which seeks to prevent development having an adverse effect on the surrounding environment and or the occupants of adjoining land. The proposal would also conflict with Policy D1 of the UDP which states that development proposals should be of a high quality design that is well related to the existing character of the locality. These policies are broadly consistent with the provisions of the National Planning Policy Framework (the Framework) which seeks to secure high quality design.

Land Stability

11. The Coal Authority (CA) has stated that the appeal site is located in a defined Development High Risk Area. Although the appellant had submitted some coal mining information with the application, the CA did not consider that this adequately addressed the impact of the legacy of coal mining activity on the proposal. The CA therefore objected to the proposal and requested that a Coal Mining Risk Assessment report, or equivalent, should be submitted.
12. The appellant has submitted a Coal Mining Risk Assessment with the appeal which makes a number of recommendations on this issue. However, I note that this Assessment was prepared subsequent to the Council's decision on the application. From the evidence provided to me it would appear that the CA has not been consulted on the Assessment and has therefore not been able to confirm if it addresses their concerns. Therefore, there is a remaining objection from the CA on the basis that coal mining features, including recorded mine workings at a shallow depth, have not been considered adequately to determine if this poses a risk to the development proposal. Taking a precautionary approach, it is therefore clearly difficult to conclude positively in relation to this issue.
13. I therefore conclude that insufficient information has been provided in relation to land stability issues which may affect the appeal site, and that the appellant is unable to demonstrate that the site is safe, stable and suitable for development. The proposal therefore conflicts with the provisions of the Framework in relation to land stability and in particular paragraphs 120-121 which state that planning decisions should ensure that a site is suitable for development taking account of ground conditions and land instability.

Other Matters

14. I have had regard to the comments raised in relation to land ownership and property deeds. However, these are a private matter between the relevant parties and are not within my jurisdiction.
15. I have taken into account concerns raised locally, including the implications for highway safety, disturbance from construction, privacy and overshadowing. However, they do not add to my reasons for dismissing this appeal.
16. I have also taken into account that the provision of a dwelling would have some economic and social benefits but the environmental harm that I have identified would significantly and demonstrably outweigh the benefits.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR