
Appeal Decision

Site visit made on 5 December 2016

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 10th January 2017

Appeal Ref: APP/W4705/W/16/3155784

342 Great Horton Road, Bradford, West Yorkshire BD7 1QJ

- 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 Lalas Bradford against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/00945/FUL, dated 10 February 2016, was refused by notice dated 12 May 2016.
 - The development proposed is described as 'retention of roller shutters and extension to east elevation to form ancillary dessert lounge'.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to the east elevation to form ancillary dessert lounge, at 342 Great Horton Road, Bradford, West Yorkshire BD7 1QJ in accordance with the terms of application ref : 16/00945/FUL, dated 10 February 2016, in accordance with the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plan: 15- 403 -10A.
 3. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.

Preliminary Matter

2. The application form refers to the retention of roller shutters although neither the officer's report, decision notice or appeal form makes any reference to them. Moreover, there are no details of any roller shutters before me. I have therefore determined the appeal on the basis of the proposed extension only and have altered the description of development in the formal decision above.

Main Issue

3. The main issue in this case is the effect of the proposal on highway safety.

Reasons

4. The site comprises an end of terrace property and its curtilage. The property, which has been in use as a restaurant for some time, lies at the junction of Great Horton Road and Summerseat Place in a busy area which has a mixed commercial and residential character. Summerseat Place is a single width road which serves a number of residential properties and provides access to the restaurant car park. The car park can accommodate around six vehicles.
5. Adjacent to the building on the east side is a decked terrace area, used for outdoor seating, which is screened from view by planting. It is proposed to construct a single storey extension on this area to form a dessert lounge, ancillary to the restaurant use. The extension would have a lean-to form and would be constructed in natural stone with extensive areas of glazing.
6. I saw at my site visit that in addition to the six off-street spaces there is some on-street parking provision in the area. Great Horton Road is a busy road into Bradford and serves a number of restaurant premises and I understand from what I have read that there is considerable demand for parking space locally. However, the extension would replace the existing terrace and would, in itself, be a limited addition to the building. As such it would not increase the capacity of the restaurant such that there would be a significant increase in demand for parking space. Moreover, there is no technical evidence before me to demonstrate that comings and goings to the existing restaurant, including by people looking for parking spaces, causes a danger to highway safety. Indeed the Council's highways officer considers the additional floorspace is unlikely to have a significant impact on either the parking or traffic situation. As the extension would not have a significant effect on capacity, I am unconvinced it would be detrimental to highway safety.
7. I have taken into consideration the concerns of the neighbouring occupiers about the effects of inconsiderate parking and manoeuvring around residential drives on Summerseat Place. Notices that have been placed around the Summerseat Place junction emphasising that it is a private road, indicate that this is a current and ongoing matter. However, as outlined above, there is no technical evidence that the proposal causes highway danger and I am unconvinced that the proposal would unduly exacerbate the existing situation.
8. Consequently, on the basis of the evidence before me, I am satisfied that the proposal would not be unduly detrimental to the free and safe flow of traffic in the vicinity. As such the proposal would meet the aims of Policy TM11 of the Bradford Replacement Unitary Development Plan 2005, which seeks to minimise the need for parking spaces and Policy TM19A which seeks to promote road safety.

Other Matters

9. Local residents have drawn my attention to late night disturbance and anti-social behaviour associated with the restaurant use. Great Horton Road is a busy area where restaurant uses appear to be well-established and I would expect it to be a lively area in the evening. However, the small scale of the proposal, which in any event would replace an existing outdoor seating area, is unlikely to have a significant effect on noise and disturbance. I am therefore satisfied that the living conditions of neighbours would not be compromised as a result of the proposal itself.

10. I am advised by the local residents that there is a covenant relating to the development of properties on Summerseat Place although I have not had sight of it. Nevertheless, a covenant is a private legal matter operated separately from the planning system. The extension would be a small scale structure of a visually lightweight, modern design, which would be sited on the side elevation of the building and would replace existing decking. As such, for planning purposes, it would not cause any undue harm to the character or appearance of the appeal building or the terrace of properties as a whole.

Conditions and Conclusion

11. Planning conditions are suggested in the officer's report. I have considered them in the light of guidance contained in the Planning Practice Guidance. To provide certainty and in the interests of proper planning I have imposed the standard time limit condition and have specified the approved plans. In order to protect the character and appearance of the area I have specified that samples of the materials to be used in the external surfaces of the development are provided and agreed by the local planning authority.
12. On the basis of these conditions and taking into account all other matters raised, the appeal is allowed and planning permission is granted.

S Ashworth

INSPECTOR