

Appeal Decision

Site visit made on 28 March 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 20th April 2017

Appeal Ref: APP/A4710/W/16/3161501

Overdale, Burnley Road, Luddenden Foot, Sowerby Bridge, HX6 2UQ

- 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 Miss Scott against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/01033/FUL, dated 2 August 2016, was refused by notice dated 28 September 2016.
 - The development proposed is described as a "retrospective application for new external decking and pergola".
-

Decision

1. The appeal is allowed and planning permission is granted for a new external decking and pergola at Overdale, Burnley Road, Luddenden Foot, Sowerby Bridge, HX6 2UQ in accordance with the terms of the application, Ref 16/01033/FUL, dated 2 August 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 409-P1; 409-P2; 409-P3.
 - 2) The pergola and decking area shall only be used between 09:00 and 21:00 on any day.
 - 3) No outdoor sound reproductive equipment shall be installed at the site.

Procedural Matter

2. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. The omitted text simply states that the proposal is a retrospective application, and as such it does not describe acts of development.

Main Issue

3. The main issue is whether the development would prejudice highway safety.

Reasons

4. The appeal site comprises a pub car park to the rear of The White Horse Public House. The pub fronts onto Burnley Road, which is a main route through the area.
-

5. The appeal is retrospective in nature. The pub car park previously comprised 15 spaces, which has been reduced to 10 following the installation of the pergola and decking. There is unrestricted parking on both sides of Burnley Road in this location, although the terraced properties on either side of the pub also make use of these spaces. At the time of my site visit, cars were parked on both sides of the road in places. However, the road is sufficiently wide at this point to allow for two way movement of vehicles even when this is the case. Accordingly, even if the development were to lead to an increase in on-street parking, this would not undermine highway safety. In any event, the remaining car park still has 10 spaces, and I further note that the pub is in an accessible location on a bus route. Any increase in on-street parking is therefore unlikely to be significant.
6. For the above reasons, I conclude that the development would not prejudice highway safety. It would therefore accord with Policy T18 of the Replacement Calderdale Unitary Development Plan (2006).
7. In coming to that view, I do not need to consider the revised plan submitted by the appellant at the appeal stage. Any further alterations to the layout of the car park are capable of being considered outside of the appeal process.

Other Matter

8. A number of properties back onto the appeal site, and interested parties have expressed concern about potential noise and disturbance. However, a condition could be applied to restrict both the hours of use of the decking / pergola, and the installation outdoor sound equipment. This would limit any noise or disturbance caused by the development. I further note that Council's Environmental Health Officer considered that such conditions would be sufficient to protect the living conditions of neighbouring occupiers.

Conditions

9. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development. I have also imposed conditions that would restrict the hours of use of the pergola and decking, and the installation of sound reproductive equipment. These are necessary to protect the living conditions of neighbouring residential occupiers.
10. The Council suggested a further condition that would require the submission and approval of details of a service area for loading/unloading, and details of turning and manoeuvring of delivery and refuse vehicles within the site. However, it is not clear that the proposal would affect the existing servicing arrangements, and this condition is therefore unnecessary. The Council also suggested a condition that would require one car parking space to be designed for the use of disabled persons. However, this condition is not relevant to the proposal as it would not introduce any additional parking spaces.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR