
Appeal Decision

Site visit made on 20 June 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 7 August 2017

Appeal Ref: APP/W4705/W/17/3172279
353 Great Horton Road, Bradford BD7 3BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Shah against City of Bradford Metropolitan District Council.
 - The application Ref 16/09426/FUL is dated 18 December 2016.
 - The development proposed is single storey side and rear extension.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The Council adopted its Core Strategy (CS), as part of The Local Plan for Bradford on 18 July 2017. Following this, the Council confirmed that Policies UR3 and D1 of the Replacement Unitary Development Plan (RUDP) have been superseded by Policies SC9, DC1, DC2, DC3, DC4 and DC5 of the CS. Furthermore, Policies TM1, TM2 and TM19A of the RUDP have been replaced by Policies TR1, TR2, DS4 and DS5 of the CS. Having regard to these changes, I find CS policies SC9, DS1, DS3, DS5 and TR2 relevant to this case. Notwithstanding this, I find that neither the Council's nor the appellant's case is materially affected by the adoption of the CS. Furthermore, the changes have no significant impact on my assessment of this case. As such, I have determined the appeal against the most up-to-date policies.
3. The Council did not issue a decision within the prescribed period. As such, the appellant has exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the application.
4. The Council states that the most prominent elevation of the proposal would appear bland and unattractive and would be in stark contrast to the traditional Victorian property behind it. Furthermore, the relationship to the adjacent building would be poor and awkward and detract from the character and visual amenity of the area. The Council also has concerns regarding the impact of an extraction flue in relation to a window of a neighbouring property. In addition, the proposal would be built within an existing parking area which serves the appellant's restaurant and an office at 2 Gathorne Road (No.2). The Council argues that the reduced off-street parking would lead to an increased demand for on-street parking which would have an adverse impact on the flow of traffic and highway safety.
5. As a result, the Council's reasons for refusal are that the proposal would have a harmful impact on visual amenity, the character and appearance of the area and parking and the free flow of traffic which would be detrimental to highway safety.

Main Issues

6. Having had regard to the above, the main issues are the effect of the proposal on:
- the character, appearance and visual amenity of the surrounding area; and
 - highway safety, with particular regard to on-street parking.

Reasons

Character, appearance and visual amenity

7. The area is characterised by a mix of commercial and residential uses around Great Horton Road which is a main route leading to and from the city centre. The appeal site is on a corner plot at the junction of Great Horton Road and Gathorne Street and accommodates a restaurant with outdoor seating and parking. To the rear is a small parking area located behind a stone wall. A further parking area lies to the west of the appeal property. A natural stone wall surrounds the site with a timber fence on top to provide safety, security and an element of design to the existing outdoor seating area. Adjacent to the site is a Victorian property at 2 Gathorne Street (No.2) which is set perpendicular to the appeal property. On the opposite side of Gathorne Street, facing the appeal site, is a terrace of houses.
8. The proposed extension would be positioned in front of No.2 which faces Gathorne Street. From what I have seen and read, the extension would have a bland and functional east elevation onto Gathorne Street. The appellant argues that the materials and design of the proposal would match the existing appeal property. Notwithstanding this, I find that the scale and mass of the extension would result in obscuring much of the Victorian frontage of No.2 from public view.
9. Furthermore, the visual contrast between the existing Victorian property at No.2 and the extension would appear unsatisfactory and awkward. The juxtaposition would be incongruous to its surroundings and detract from the character and appearance of No.2 and the wider area. Furthermore, the unsatisfactory relationship between the two properties would be exacerbated by the position of the extraction flue on the proposed extension. Moreover, the visual impact of the extension on the streetscene and wider area would be increased due to its proximity to the site boundary along Gathorne Street.
10. The appellant states that the proposal would have less of an impact on No.2 than the cabin previously on the site. Notwithstanding any previous impact, the cabin has now been removed. Whilst it may be the case that the harm resulting from the proposed extension would be less, I find that the impact of the appeal scheme on No.2 would be detrimental to the character, appearance and visual amenity which No.2 currently provides to the area.
11. I note the Council's Conservation Team raised no objection to the proposal regarding its impact on No.2. However, the Council's reasons for refusal focus, in part, on the impact on visual amenity. Having considered the evidence, I find that the proposal would result in significant harm in that respect. As a result, in my view, the Council's concerns are justified in their reasons for refusal.
12. Consequently, I conclude that the proposed development would have a significant adverse impact on the character, appearance and visual amenity of the area. Therefore, it would be contrary to Policies SC9, DC1, DC3 and DC5 of the CS. Amongst other matters, these policies seek to ensure that development is of high quality design and has regard to, respects and has no significant adverse impact on the character, appearance and visual amenity of its surroundings.

Highway safety

13. The Council states that as the proposal would be built on part of an existing car park serving the restaurant, the loss of off-street parking would lead to an increase in demand for on-street parking nearby. This would have a particular impact on the parking available on Great Horton Road and Gathorne Street. I have had regard to the other car park to the west of the appeal property which is accessed directly from Great Horton Road. However, this is also shared with other businesses and I am led to understand that there are a number of private agreements and rights controlling the access to and use of that area.
14. The appellant indicates that the parking area upon which the proposal would be built is used for staff parking and deliveries and not customer parking. However, I find that off-street parking would be lost as a result of the proposal and would lead to vehicles being displaced to alternate locations nearby, most likely on-street parking. Therefore, the loss of off-street parking would be apparent whether the additional vehicles on nearby streets belonged to staff or customers.
15. The Council's concerns also relate to the impact that increased on-street parking resulting from the proposal would have on the free flow of traffic and highway safety. I find that the location of the site at a junction is likely to exacerbate the conflict between increased traffic and parked vehicles on the streets in the area.
16. At the time of the site visit, I noted several vehicles parked on Gathorne Street adjacent to the appeal site and the residential properties opposite. I find it likely that these vehicles belong to local residents or to people who have parked to visit nearby shops and services on Great Horton Road. Notwithstanding this, the presence of these vehicles increases the narrowness of the public highway, making it difficult for passing vehicles to negotiate Gathorne Street as they approach and leave its junction with Great Horton Road. As such, I find that the likely increase in parked vehicles on nearby streets due to the loss of off-street parking would have a significant impact on the free flow of traffic in the area and highway safety.
17. I note the appellant's point regarding the highway authority raising no objections to previous proposals. However, it is apparent that previous proposals had differences to the appeal scheme. This is acknowledged by the appellant who states that the appeal scheme has attempted to address concerns raised in previous proposals. Inevitably, the appeal scheme is a different proposal. As such, I give this only limited weight in determining this appeal.
18. Furthermore, I acknowledge that the appeal site is situated close to public transport routes and that this may have some impact on the journeys made by customers to the restaurant in private cars. However, in my view, such provision would not likely overcome the impact of the increase in demand for on-street parking, particularly given that many people appear to come to the area by car to visit local shops and services, including the appellant's restaurant, or are local residents. Accordingly, I have given this matter moderate weight.
19. Whilst some on-street parking exists in the area, it is available for all customers of nearby shops and services and residents. As such, I find that the likely increase in demand for such parking would reasonably lead to a significant detrimental effect on the free flow of traffic on nearby streets and highway safety, particularly around the junction of Gathorne Street and Great Horton Road.
20. Consequently, I conclude that the proposal would have a significant adverse impact on highway safety. It would therefore be contrary to Policy TR2 of the CS. Amongst other matters, this policy seeks to ensure that development assists in

managing parking and travel demand to support the use of sustainable transport modes and reduces the impact of on-street parking to improve the quality of place.

Planning Balance

21. The proposal would increase the internal floor space of the appeal property for kitchen facilities which would enable the restaurant business to grow, particularly as the space within the previous cabin has now been removed. Furthermore, I note the appellant's comments regarding the employment of local young people and the social and economic benefits of doing so. The appellant also argues that the scheme would bring a visual improvement to the locality as the previous cabin would be replaced by a permanent structure which would form a more coherent part of the host building.
22. The appellant has made amendments to the proposal based on previous applications and appeals and I acknowledge the endeavour in seeking to submit an acceptable proposal. Accordingly, I have given due consideration and weight to such matters. However, I must assess the scheme before me on its own individual merits and circumstances. As a result, I find that the proposal extension would have a bland and functional appearance in the streetscene. It would be closer to the site boundary along Gathorne Street and would therefore be more prominent. As a result, it would be highly visible from the residential properties facing it on Gathorne Road and the wider area along Great Horton Road.
23. Furthermore, the proposal would be visually incongruous to the adjacent Victorian property at No.2. It would obscure much of No.2 from public view, have a significant adverse impact on its appearance and diminish its contribution to the character, appearance and visual amenity value of the streetscene. In addition, the loss of off-street parking would have a detrimental impact on the flow of traffic and highway safety in the locality. As a result, having had due regard to all of the above, I find that the benefits of the proposal would be outweighed by the harm I have identified.

Other Matter

24. I acknowledge concerns relating to the impact of the proposal on neighbouring occupiers with regard to outlook from the ground floor window of No.2. Whilst I appreciate the importance of these concerns to those affected, given my findings on the substantive issues above, I find this matter not to be determinative in this case. Furthermore, I note that it does not form part of any reason for refusal. Accordingly, I have given no further consideration to it as doing so would not alter my overall decision.

Conclusion

25. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Andrew McCormack

INSPECTOR