



Appeal Decision

Site visit made on 10 May 2019

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2019

Appeal Ref: APP/W4705/W/19/3223173

The Sidings, Station Approach, Ben Rhydding, Ilkley LS29 8EB

- 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 John Mawby, JM Developments (Ilkley) Ltd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 18/01342/FUL, dated 28 March 2018, was refused by notice dated 3 September 2018.
 - The development proposed is the construction of eight new dwellings and the demolition of one existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of eight new dwellings and the demolition of one existing bungalow at The Sidings, Station Approach, Ben Rhydding, Ilkley LS29 8EB in accordance with the terms of the application, Ref 18/01342/FUL, dated 28 March 2018, subject to the conditions attached in the Schedule to this decision.

Application for costs

2. An application for costs was made by Mr John Mawby, JM Developments (Ilkley) Ltd against City of Bradford Metropolitan District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council's decision notice refers to the number of dwellings proposed being '*of excessive density*'. It is clarified in the Council's evidence however that this only relates to the suitability of the two points of access and not to the effect on local character or visual amenity. Accordingly, I have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the development on highway and pedestrian safety by reason of site access and layout.

Reasons

5. The application site comprises two parcels of land (Areas A and B) located either side of The Sidings, a large detached house. Area A is between The Sidings and the Ben Rhydding Station car park, accessed from Station

Approach. Area B comprises a bungalow, known as Braemore accessed from St John's Road.

Area A

6. The proposal is for the construction of a terrace of four houses on Area A with integral garages and separate parking spaces adjacent the site access from Station Approach. Station Approach is an unadopted road that provides access to Ben Rhydding Station and its small car park. I saw from my site visit that the car park was very busy, both with parked cars and passengers being dropped off at the station. The proposed houses would be accessed through existing gates from this car park, which also provides access to The Sidings.
7. It is agreed by the appellant and Highways Authority (HA) that the likely daily vehicular movements for the proposed houses on Area A would be 24 two-way movements, 6 two-way movements per dwelling. I would expect a number of these movements to be made when passengers, particularly commuters, are arriving at or leaving the station car park. There is therefore potential for conflict between vehicles using the car park and the vehicle trips associated with the proposed houses.
8. However, whilst constrained, there would nonetheless be sufficient space within Area A for cars to exit the integral garages or parking spaces and leave the site in forward gear with good visibility. I would also expect cars to be leaving the site at low speed. As such, whilst some inconvenience may result, the small numbers of vehicle movements associated with the proposed houses would not cause harm to the safety of vehicles or pedestrians using the Station Approach car park.
9. Whilst two cars can comfortably pass in front of the houses, given the limited width, I am not persuaded that a refuse vehicle could access and then turn within the site. The appellant has suggested that an existing turning head for The Sidings could be used, but I have no information before me regarding its location or dimension. A refuse or recycling vehicle would, however, be able to access and service the proposed houses in Area A directly from Station Approach and I note that this would be within an accepted reasonable distance for residents to take refuse. Whilst not ideal, appropriate arrangements can nonetheless be made for servicing and waste handling.

Area B

10. It is proposed to demolish the existing bungalow on Area B and construct four houses, using the existing access from St John's Road. St John's Road is a quiet residential road arranged as a 'U' shape. I noted from my site visit that it was heavily parked outside the terraced housing on the north side of St John's Road. This reduces the effective width of the road to single carriageway along the bottom of the 'U'. It was, however, much less parked as St John's Road turns to meet Bolling Road.
11. The access to Area B is on a sharp 90 degree bend in the road, next to a footpath that runs between St John's Road and Station Approach. The daily vehicular movements for the access to Area B are agreed between the appellant and HA to be around 30 daily two-way movements. Whilst there would be intensification in use compared to the bungalow, the access would be widened and a continuous dropped footway provided around the bend.

Further, the existing boundary fence would be lowered to around 1m to improve visibility for pedestrians exiting the footpath onto St John's Road. I am satisfied that these improvements would mitigate the increase in use of the access and that there would be no harm to the safety of road users or pedestrians.

12. I have sympathy with the concerns of local residents regarding vehicles backing up to, and around the bend, in St John's Road. However, the proposed layout enables cars to turn within the site and exit in forward gear with good visibility to St John's Road. Further, from my observations on site, cars entering or leaving the site are most likely to take the shortest route from or to Bolling Road, thereby avoiding the most heavily parked section of the road. There would not therefore be significant conflict with existing vehicle movements and, given the low number of trips, the capacity situation described by local residents would not be made substantively worse.
13. Although there is no turning head shown for Area B, a refuse vehicle could service the proposed houses directly from the road, as the arrangement for other houses on St John's Road.
14. For the reasons above, I find the proposals would achieve safe and suitable access and would provide adequate arrangements for servicing. They therefore accord with Policy DS5 of the Local Plan for Bradford, Core Strategy Development Plan Document (2017) because the development is designed to provide easy access for all and includes appropriate arrangements for servicing, waste handling and recycling. It would also be consistent with the guidance at paragraphs 108 and 110 of the National Planning Policy Framework (the Framework) that development should ensure safe and suitable access and allow for the efficient delivery of goods, and access by service vehicles. As there would be no unacceptable impact on highway safety, the proposed development, consistent with paragraph 109 of the Framework, should not be refused on highways grounds.

Other Matters

15. Concerns have been raised by interested parties which have not been addressed through the substantive issues. These relate to the provision of adequate amenity space, impact on the public footpath, parking and the impact of the construction of the development on the living conditions of neighbours. I have had due regard to the issues raised.
16. Whilst I acknowledge that the proposed houses, particularly within Area A, do not have large back gardens, they would nonetheless have access to private, useable outdoor space. The houses would therefore afford a good standard of living conditions for future occupiers. The boundary to the footpath is proposed to be a Beech hedge and railings to provide privacy for the houses. Although this would enclose the footpath for part of its length, it would benefit from natural surveillance from the houses.
17. I understand and have sympathy with residents in respect of the on-street parking issues, particularly on St John's Road. However, the proposed development would provide 2 parking spaces per house which meets parking standards and is, I consider, appropriate provision for the sites accessible location.

18. Whilst the construction process is likely to be disruptive, it would be short-term. The appellant has submitted a Construction Site Management Proposals document which demonstrates how the site would be managed, including operative parking and deliveries, to mitigate any impact. The implementation of this can be controlled by condition.
19. Accordingly, I consider that these matters do not present reasons for withholding permission.

Conditions

20. I have had regard to the planning conditions suggested by the Council against the guidance in the Framework and Planning Practice Guidance. In addition to the standard implementation condition relating to time, I have imposed a condition specifying the approved drawings which is necessary and reasonable in the interests of providing certainty. I have also imposed a condition relating to external surface materials, necessary for reasons of character and appearance.
21. For reasons of highway safety, I impose the Council's suggested conditions relating to the layout out of the access and parking areas. A condition relating to the detail and implementation of both foul and surface water drainage is also necessary in the interests of the living conditions of future occupiers. I have, however, for conciseness, combined the Council's suggested Conditions 4 and 5 which both relate to drainage.
22. In the interests of the living conditions of future occupiers, it is necessary and reasonable to impose conditions in respect of acoustic insulation and the preclusion of gates or openings being formed to the rear garden boundary to the footpath. Given the change in levels across the site, I also consider it necessary to require the submission of details to ensure the stability of the footpath.
23. The Council have suggested a condition requiring the frames to all new and replacement windows to be recessed into the reveals by approximately 100-125mm. Although I accept the window details for houses in Area A are important in terms of respecting local character, I am not persuaded that this is reasonable or necessary for Area B for reasons of visual amenity. I have therefore amended the condition accordingly.
24. The Council have also suggested a condition restricting construction working hours. Construction working hours are however encompassed into the Construction Site Management Proposal (CSMP) and a separate condition is not therefore necessary. I consider it is necessary in the interests of the living conditions of neighbours to impose a condition requiring the implementation of the CSMP for the duration of the construction period.

Conclusion

25. For the reasons given above, and taking all other matters into account, I conclude that the appeal should be allowed and that planning permission is granted, subject to the conditions set out in the Schedule to this decision.

R. Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing Ref: 001 LP Issue 3); Site Plan Area A (Drawing Ref: SP-001A Issue 1); Site Plan Area B (Drawing Ref: SP-001 B Issue 1); Townhouse Type A (Drawing Ref: TH-A-10/17 Issue 4); Townhouse Type C (Drawing Ref: TH-C-10/18 Issue 2); Townhouse Type B (Drawing Ref: TH-B-10/17 Issue 4); Townhouses Type A and C Terrace (Drawing Ref: TH-A-T 10/17 Issue 4); Existing and Proposed Dwellings Area A and Area B (Drawing Ref: 001-12/17 Issue 3); Townhouse Type B Terrace All Elevations (Drawing Ref: TH-B-T 10/17 Issue 5); Townhouses Type A and C Terrace End Elevations (Drawing Ref: TH-A-T 11/17 Issue 3); Area A East Elevation View from Railway Station Car Park (Drawing Ref: 001 East A Issue 1); Area B West Elevation View from St Johns Road (Drawing Ref: 001 West B Issue 1); Public Footpath Boundary Details (Drawing Ref: 001 PBF Issue 2); Landscape Plan (Drawing Ref: 001 LSP Issue 003); Topographical Survey Eastern End (Drawing Ref: BM3249/02); and Topographical Survey Western End (Drawing Ref: BM3249/01)
- 3) Before development above damp proof course commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used in the development hereby permitted, including details of the render. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.
- 4) Before any of the dwellings in Areas A and B of the development are brought into use, the means of vehicular and pedestrian access relevant to each of those constituent areas shall be laid out, hard surfaced and drained within the curtilage of the site and in accordance with details and dimensions shown on the approved site layout drawings, and they shall be completed to a constructional specification approved in writing by the Local Planning Authority.
- 5) Before any of the dwellings is brought into use, the relevant garaging and off street car parking facilities shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.
- 6) None of the dwellings hereby permitted shall be occupied until works for the separate drainage of foul and surface water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

- 7) No dwelling shall be brought into use until details of a scheme for acoustic insulation of the premises against noise from the adjacent railway has been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic insulation shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings.

All works which form part of the scheme so approved shall be completed in accordance with the approved details prior to first use and shall be retained thereafter.

- 8) Boundary details to the rear garden of the dwellings shall accord with the details shown in drawing 001-PFB Issue 2 and no gates or openings shall subsequently be formed in the rear garden boundaries to dwellings in Area A.
- 9) The frames to all new and replacement windows hereby permitted to dwellings in Area A shall be recessed into the reveals by approximately 100-125mm, and shall be retained in this form thereafter.
- 10) Before any excavations within Area A adjacent to Public Footpath 200 (Ilkley) are begun, full details, including necessary calculations, of the proposed temporary and permanent measures to afford stability to that footpath shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.
- 11) The Construction Site Management Proposal, Document No:019 hereby approved shall be adhered to throughout the construction period for the development.