



Appeal Decision

Site visit made on 8 July 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/W4705/W/19/3227389

21 Ashfield Avenue, Shipley BD18 3AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Dawson against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 18/02740/OUT, dated 26 June 2018, was refused by notice dated 7 February 2019.
 - The development proposed is the construction of 4 family houses consisting of 2x4 Bed Houses and 2x3 bed Houses with access, parking, visitor spaces and area for refuse collection on land at and to rear of 19 and 21 Ashfield Avenue with access, parking, landscaping and fencing.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline with access, layout and scale to be determined at this stage. I have assessed the proposal on that basis.
3. Notwithstanding the address of the site given in the above heading, which is taken from the application form lodged with the Council, it is clear from the plans and description of development that the site is largely to the rear of both 19 and 21 Ashfield Avenue.
4. At the site visit, I viewed the site from 19 Ashfield Avenue with the consent of the occupier of this adjacent residential property and did so unaccompanied.
5. On 19 February 2019, the Government published its Housing Delivery Test (HDT) results alongside an updated revised National Planning Policy Framework (the Framework). The HDT outcome for the Council indicates that the delivery has been below the requirement over the last 3 years. The Council also accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. The HDT results do not alter that position. The main parties have had the opportunity to address the issue of housing land supply and the Framework through the appeal process.

Main issue

6. The main issue is the effect of the proposed development on the living conditions of the occupiers of 19 and 21 Ashfield Avenue with particular regard to potential noise and general disturbance.

Reasons

7. The proposal is to erect 4 houses on sloping land to the rear of Nos 19 and 21 with access from the main highway along a new private drive between these adjacent properties. As a result, it is the existing and future occupiers of both Nos 19 and 21 that are most likely to be affected by any potential noise and general disturbance from vehicles associated with the appeal scheme.
8. By penetrating into the main body of the site away from Ashfield Avenue, the proposed access would introduce traffic into an area that is currently free of vehicle movements. The overall number of vehicles using the private drive is likely to be modest and additional planting and appropriate boundary treatment, secured by conditions, could mitigate this harm to some extent. I note that the proposed layout includes a landscape buffer just beyond the rear of No 19. Even so, the additional noise and disturbance associated with this traffic would be readily evident from the back gardens of Nos 19 and 21, which have a quiet and pleasant ambience.
9. Vehicles using the new private drive and the driveway to the dwelling proposed on plot 4 would all be very close to the back gardens of Nos 19 and 21, as would those using the visitor parking spaces. As such, vehicle movements would be introduced near to the main private outdoor amenity space for the occupiers of Nos 19 and 21 that from what I saw are well suited for activities such as children's play and sitting out. Given the proposed access and layout arrangements, the noise and disturbance from vehicle movements associated with the new development, which could be in the evenings and on weekends when residents are more likely to be at home, would unacceptably disturb the neighbours' reasonable enjoyment of their gardens. I attach very considerable weight to this harm.
10. On the main issue, I conclude that the proposed development would seriously harm the living conditions of existing and future occupiers of Nos 19 and 21. Accordingly, it conflicts with Policy DS5 of the Local Plan for the Bradford District: Core Strategy Development Plan Document insofar as it aims to safeguard residential amenity.

Planning balance

11. The Council is currently unable to demonstrate a 5-year supply of deliverable housing sites. As a result, paragraph 11 d) of the Framework is engaged. This states, amongst other things, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
12. The proposal would add to the supply of housing on a windfall site in a mainly residential area, to which I attach significant weight in support of the appeal. The Framework recognises the important contribution of small and medium sized sites in meeting the housing requirement within an area. If housing were to come forward on the site, the appellant states that it would ease pressure on the release of land for development elsewhere, which could be unplanned and less sustainable than the proposal. The appeal scheme would make an efficient use of land. There would also be some economic benefits from the sale of materials during the construction phase and from spending by future occupiers

and also from the New Homes Bonus. These considerations all weigh in support of the proposal.

13. On the other hand, the Framework states that planning decisions should ensure that development provides a high standard of amenity for existing and future users. It makes clear that a well-designed built environment is an integral part of the social objective of sustainable development. The Framework also notes that making effective use of land involves ensuring healthy living conditions.
14. When assessed against the policies in the Framework taken as a whole, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the appeal scheme. Therefore, the proposal does not benefit from the presumption in favour of sustainable development, which means that the Framework does not indicate a decision other than in accordance with the development plan.

Other matters

15. The planning application was accompanied by a recommendation of approval and the Officer's report considered that the effect of the proposal on the living conditions of local residents was acceptable, subject to conditions. The proposal was also refined in the light of an earlier refusal of planning permission for the development of the site. However, I have assessed the proposal on its own merits and find it to be unacceptable for the reasons given.
16. A significant number of representations have been received in relation to the proposal raising a number of issues not covered in my decision. However, as I am dismissing the appeal based on my findings in relation to the main issue, there is no need for me to consider these other issues further as my finding on them would not alter the outcome of the appeal.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR