



Appeal Decision

Site visit made on 11 February 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2020

Appeal Ref: APP/W4705/W/19/3241970

12 Telford Close. Silsden BD20 0QF

- 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 and Mrs G Whitaker against the decision of City of Bradford Metropolitan District Council.
 - The application Ref:19/02677/OUT, dated 24 June 2019, was refused by notice dated 16 September 2019.
 - The development proposed is a new detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The development proposal was submitted in outline, with approval sought for the means of access and landscaping. Appearance, layout and scale of the proposed development were reserved for future approval.
3. The application also included drawings showing elevations and floor plans of a two storey dwelling with the first floor partially contained within the roof space, which contains two pitched roof dormer windows. The planning statement submitted with the application also describes the proposed development as a two storey dwelling with accommodation within the roof space and pitched roof dormers on the front elevation. These drawings also show the position a dwelling on the site together with access and parking arrangements. I have had regard to these drawings insofar as they relate to access and parking. Matters of scale, layout, and appearance are reserved for future approval and consequently, I have treated the remainder of the drawings as largely indicative, although as design principles have been set out in the supporting information and are reiterated in the appeal submissions, I have given consideration to these as being representative of the likely form that the development would take. I have determined the appeal on this basis.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area;

- The effect of the proposed development on highway safety in the vicinity of the appeal site; and
- The effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties.

Reasons

Character and appearance

5. The appeal site forms part of the garden of number 12 Telford Close, a bungalow dwelling located at the end of a cul-de-sac situated within a predominantly residential area. The cul-de-sac rises steeply from its junction with Waterside to the appeal site and beyond the head of the cul-de-sac the land continues to rise with the appeal site having an approximately 2 metre change in level from north to south. Telford Close, except for number 12 and its neighbour at number 14, which are true bungalows of differing designs, is generally comprised of semi-detached, dormer, bungalows with steeply sloping roofs. These would originally have been of an identical design, although some have been subsequently extended. This house type is also present on Waterside to the rear of the appeal site and in other nearby streets. Although numbers 12 and 14 are a different design, the use of similar materials and architectural features, such as bow windows, result in a visual consistency to the street scene.
6. Numbers 12 and 14 are located at the highest point of the street and form the termination to it. The existing dwellings in the street frame the space around the head of the cul-de-sac, with the lower buildings at its highest point balancing the taller buildings on the rising ground approaching it. All the dwellings have a street frontage to the cul-de-sac.
7. Whilst I recognise that the application was made in outline and that the detailed design and scale of the proposed dwelling were reserved for future approval, from what I saw when I visited the site there are only a limited number of ways in which the appeal site could physically accommodate a new dwelling. The descriptive material submitted in support of the application and appeal are clear that the proposed development would be a dwelling that has two floors of accommodation with the upper floor, at least partly, contained within the roof space and I consider that this is representative of the most likely form the development could take given the constraints of the site.
8. The appeal proposal would introduce a taller building onto higher ground behind the line of the street that would disrupt the visual continuity around the head of the cul-de-sac and create an awkward transition between the two existing bungalows that currently terminate the view. Whilst the new dwelling could be orientated to face the road, it would not have a street frontage of its own, due to sharing the existing vehicular access with the donor property and the position of existing property boundaries. As a result of its height, lack of street frontage and the position relative to numbers 12 and 14 the proposed new dwelling would not appear well integrated with the existing street scene. In addition, no other properties in the street are accessed from a shared driveway.
9. Whilst the subdivision of the existing garden of the donor property would allow the creation of a building plot of a similar extent to others in the street, due to

the proximity of the front facades of numbers 12 and 14 to each other, the insertion of a new dwelling behind the established line of the buildings framing the cul-de-sac head would result in the proposed development having an enclosed and cramped appearance when compared to the other houses in the street.

10. This inconsistency with the surrounding built form would be exacerbated by the appeal site's prominent position at the head of cul-de-sac. I accept that the proposed new dwelling could be constructed in similar materials to the surrounding buildings, but its height and positioning would nevertheless appear incongruous within the context of the existing street. The appeal proposal would therefore be harmful to the character and appearance of the area.
11. My attention has been drawn to several nearby developments which it is suggested are similar to the appeal proposal and I had the opportunity to view these during my site visit. I do not know what the relevant policy context was at the time that these schemes were accepted, or how that compares to the current development plan policies. However, from what I saw during my site visit, whilst these schemes may have been the result of the development of parts of existing gardens, the relationship of these developments to the surrounding built context is not the same as in the case before me. Consequently, I do not consider that any of them are directly analogous and I can give little weight to these.
12. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Policies CS9, DS1 and DS3 of the Bradford Core Strategy 2017 (the Core Strategy) which expects new development to be of a high standard of design that has regard to its context; is based on a good understanding of the site and surrounding area; and creates a strong sense of place.

Highway Safety

13. Core Strategy Policy DS4 relates to Streets and Movement and expects, amongst other matters, that new development takes a design led approach to car parking so that it supports the street scene and pedestrian environment, whilst also being convenient and secure.
14. The donor property is currently served by a single width driveway leading to an integral garage on the side of the house. It is proposed that the new dwelling would utilise part of the length of this driveway and the same footway crossing from the main carriageway. I observed during my site visit that this existing driveway is not wide enough to allow two vehicles to pass and the appeal scheme does not propose any works to widen this. At present there are three properties which have driveways that access the main carriageway at the head of the cul-de-sac and the appeal proposal would add vehicle movements to and from the new dwelling.
15. Telford Close is a quiet residential cul-de-sac serving approximately 20 dwellings. At the time of my site visit, there were very few vehicle movements on Telford Close or on the surrounding roads which serve the wider housing area. I recognise that these observations are only a snapshot of the conditions at the time during which I was present at the site and in the surrounding area, mid-morning on a normal weekday, and that there will be different traffic flows at other times of day. Nonetheless, due to the relatively small number of

dwelling served by Telford Close, I consider that it is reasonable to conclude that typically there will not be high numbers of vehicle movements. Neither party has submitted any substantive evidence in respect of vehicle movements that would lead me to a different conclusion.

16. The introduction of a further dwelling would add a small number of additional vehicle movements at the access to the site from Telford Close. However, visibility at the access point is largely unobstructed and although there would be some potential for conflict with vehicles using the other access points situated at the head of the cul-de-sac, these will not generate frequent vehicle manoeuvres and, consequently, the potential for conflict would not be significantly greater than exists at present. The Council have expressed concerns regarding vehicles having to reverse onto the main carriageway but there is no evidence that this does not occur at present, or that such a manoeuvre would be inherently unsafe.
17. The submitted drawings illustrate a parking area for the new dwelling accessed from the existing driveway serving the property. This demonstrates that two vehicles could be accommodated. As drawn, the configuration of this parking area appears slightly awkward and it has not been tested by way of a swept path analysis. However, I am also mindful that layout of the site is a reserved matter. Whilst there would be some potential for vehicular conflict, with two dwellings sharing parts of the same access drive, the number of vehicle movements would necessarily be low, and I do not consider that this arrangement would lead to parking and access arrangements that could not operate safely.
18. The National Planning Policy Framework (the Framework) sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is not argued that there is insufficient capacity in the surrounding road network to accommodate additional traffic movements that would be generated by the proposal. The appeal proposal would slightly increase the potential for vehicle conflicts at the head of the cul-de-sac through a small increase in vehicles movements. However, it would not materially alter the current configuration of the highway or the position of existing access points. Based on the evidence before me, and from what I saw when I visited the site, there is nothing that would indicate that the present arrangements are unsafe, or that the effect of a small number of additional vehicle movements would be significantly different from the present situation such that it would result in an unacceptable effect on highway safety.
19. I conclude that the proposed development would not cause harm to highway safety in the vicinity of the appeal site. It would comply with the relevant requirements of Core Strategy Policy DS4.

Living conditions of the neighbouring occupiers.

20. The appeal proposal was submitted in outline with approval of the details of layout, scale, and appearance reserved for future approval. Within this context it is difficult to determine what the precise effect on neighbouring properties might be. Some details are shown on the supporting illustrative drawings, but I am mindful that, in large part, these do not form part of the submission.

21. I saw when I visited the site that there are no windows serving habitable rooms on the side elevation of the donor property facing towards the site of the proposed new dwelling. On the illustrative drawings, the distance to neighbouring properties on Waterside to the north east is shown as 20m on plan. I am satisfied that at the detailed design stage a satisfactory disposition of rooms and windows within the proposed new dwelling could be arrived at which would not affect the privacy of the occupiers of neighbouring properties
22. The properties on Waterside to the north east of the appeal site are set at a slightly higher level than the appeal site and, within this context, a two storey property would not appear unduly overbearing, due to the change in ground level and the distance of the existing properties from the common boundary.
23. The appeal site is to the south of the neighbouring bungalow at 14 Telford Close. I saw when I visited the site that there are several windows on the rear elevation of this property, including French doors that located closest to the common boundary. If the necessary separation from the properties on Waterside to maintain privacy were to be achieved, then a new building on the appeal site would not adversely affect the outlook from these windows as it would result in a position which would be largely outside the angle of vision from inside the neighbouring property.
24. Due to the relative positions of the existing bungalow at number 14 and the appeal site there would be some potential for overshadowing of the windows to the rear of the property. This would require assessment through a Sunlight and Daylight Assessment based on a detailed design proposal. I have neither of these as part of the appeal submission and, consequently, cannot make a finding on this particular point, which is a matter that would be addressed at the detailed design stage.
25. Based on the evidence that is before me, I conclude that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring residential properties. It would comply with the relevant requirements of Core Strategy Policies CS9, DS1 and DS5 which seek to ensure that new development is of a high standard of design, that is informed by its context and does not harm the living conditions of existing residents.

Other matters

26. I have had regard to the representations that have been made by third parties in respect of the original planning application and appeal. In particular I have noted that four letters were received supporting the proposal on the basis that small scale development within existing settlements is preferable to larger scale development on previously undeveloped land. I have taken this into account, however, it does not lead me to a different conclusion on the proposal taken as a whole.

Conclusion

27. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposed development would cause harm to the character and appearance of the area and, as such, would conflict with relevant policies in the development plan for the area. Although I have

found that the proposal would not cause harm to highway safety nor would it, based on the evidence before me, cause harm to the living conditions of neighbouring residents, this does not overcome the harm that I have found, or the conflict with the development plan.

28. The Framework seeks to significantly increase the supply of housing. The appeal proposal would add a new dwelling to housing stock. However, it is not argued that the relevant development plan policies are out of date, nor is it suggested that the Council cannot demonstrate a deliverable five year supply of housing land, or that it is not currently meeting its targets for housing delivery. Consequently, little weight can be given to this. The proposal for a single dwelling would result in only a very modest economic benefit from investment in and employment secured during the construction period. Neither of these points would overcome the harm that would result to the character and appearance of the area, which would be substantial and lasting. No other material considerations have been identified that would indicate that planning permission could be granted for a development which does not comply with relevant policies in an up to date development plan.

29. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR