



Appeal Decision

Site visit made on 20 May 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2020

Appeal Ref: APP/W4705/W/20/3246439
22 Broomfield, Clayton, Bradford BD14 6PJ

- 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 Mrs Pamela Shute against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/04200/FUL, dated 7 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is demolition of existing side extension, conservatory and double garage, and erection of new detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing side extension, conservatory and double garage, and erection of new detached dwelling at 22 Broomfield, Clayton, Bradford BD14 6PJ, in accordance with the terms of the application Ref 19/04200/FUL, dated 7 October 2019, and subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The appeal site stands on Broomfield, an unadopted cul-de-sac, close to its junction with Brook Lane. Broomfield Place meets the cul-de-sac at a right angle close to the appeal site, and runs behind dwellings on Brook Lane before meeting Baldwin Lane at its other end. Both Broomfield and Broomfield Place are unadopted roads. The former is surfaced in tarmac, whilst the latter is a mix of rough patches of tarmac, gravel and unsurfaced areas. Both roads are lined by dwellings, except for the Broomfield Pre-School Day Nursery.
4. The Council's sole concern relates to an anticipated intensification in the use of the unadopted highway and the junction of Broomfield and Brook Lane which it states has poor visibility and which would lead to conditions prejudicial to highway safety.
5. An interested party has made reference to the use of the roads by those visiting the nursery to drop off and pick up children. However, beyond this, the enclosed nature of the streets means that traffic movement is otherwise likely to be primarily related to access to the limited number of dwellings, and I saw on site that, generally, both streets were sufficiently wide to accommodate the

levels of traffic which would be expected, even with some on-street parking evident.

6. The proposed dwelling would provide off-street parking for two vehicles, which would generate additional vehicular movements along both roads, but this would not be significant in general terms, and would not lead to excessive traffic on either Broomfield or Broomfield Place, nor would it result in additional vehicles parked on the street. Moreover, whilst I note the references by an interested party to nearby uses including a haulage firm and riding school, I have no substantive evidence from the Council that the scale of development proposed would put any material strain on the wider highway network or directly conflict with other road users.
7. The exit from Broomfield onto Brook Lane appears long established and it is reasonable to think that at least some residents choose to exit in this direction. At my visit I observed a vehicle doing so, and later made the manoeuvre myself. I saw that visibility was limited in both directions, more so when looking to the right due to the wall of 1 Broomfield, requiring the driver to edge the vehicle out into the road to achieve the necessary sightline. However, I also saw that Brook Lane is relatively narrow, has speed bumps and also has several driveways and other junctions opening onto it, all of which would serve to regulate traffic speed. Moreover, I saw that the entrance to Broomfield is relatively wide and perceptible to traffic approaching on Brook Lane.
8. Despite its physical constraints, I have no evidence from the Council that the existing use of the exit has led to any incidents or accidents. It is, however, pertinent that this not the only means of exit from the appeal site, which could also be achieved by travelling along Broomfield Place to Baldwin Lane. Indeed, I note reference to parents visiting the nursery employing a one-way system via Broomfield and Broomfield Place. I saw the exit onto Baldwin Lane to have good visibility in both directions, and it is not unreasonable to consider that future residents would make use of the better visibility to this entrance at least some of the time, notwithstanding the poor condition of the road surface, which would reduce the degree to which the proposal would generate additional vehicle movements onto Brook Lane.
9. I note that three dwellings have been recently constructed directly adjacent to the appeal site. I saw 6 vehicles parked in front of these, with space for more. I do not have the full particulars of the Council's considerations in granting permission for these dwellings, though I understand the re-surfacing of Broomfield was undertaken as part of this development. Nonetheless, it appears that this development was permitted notwithstanding the existing conditions at the junction with Brook Lane. By comparison with these three dwellings, the level of traffic generated by the proposed single dwelling, and subsequent use of the exit onto Brook Lane, would be limited.
10. The National Planning Policy Framework states that development should only be prevented or 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. Having regard to the evidence before me, including the views of the interested party, and my own observations on site, I find that, for the reasons set out above, the proposal would not have an unacceptable impact on highway safety or the operation of the road network.

11. Accordingly, I find no conflict with Policies DS1 and DS5 of the Core Strategy Development Plan Document (July 2017) which respectively require that developments achieve good design and high quality places and are designed to ensure a safe environment, easy access for all and not harm the amenity of existing or prospective residents or users.

Other Matters

12. The Council does not raise objection in terms of the effect of the proposed dwelling on the character and appearance of the area, its effect on living conditions of neighbouring occupants or land contamination, subject to recommended conditions. From my own observations, I have no reasons to reach different conclusions in these respects.

Conditions

13. The Council has not suggested any conditions in the event the appeal is allowed, though responses from consultees have included recommended conditions. I have considered the need for these, having regard to the guidance of the Framework and the Planning Practice Guidance.
14. A condition specifying the approved plans is necessary to provide certainty. A further condition is needed to require adherence to the proposed materials in the interests of the character and appearance of the area.
15. Conditions are also necessary to control importation of material brought onto the site, to verify works of remediation and to address unexpected contamination, in line with the findings of the submitted Phase 1 and Phase 2 Site Investigation report to ensure that contamination/pollution is not brought into the development site and the site is made fit for its intended use.

Conclusion

16. The appeal is therefore allowed.

K Savage

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: Drawing B/18/1208/01A - Site Layout and Location Plan; Drawing B/18/1189/01 – Existing Plans and Elevations; Drawing B/18/1208/02B – Proposed Floor Plans and Elevations.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing B/18/1208/02B.
- 4) A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site.
- 5) Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy contained within the Combined Phase 1 and Phase 2 Site Investigation by Mugen Geo Ltd (September 2019) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.
- 6) If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

END OF SCHEDULE