The Planning Inspectorate

Appeal Decision

Site visit made on 23 June 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2020

Appeal Ref: APP/W4705/W/20/3251183
2A Kingsdale Crescent, Bradford BD2 4DA

- 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 Zabeen Akhtar against the decision of City of Bradford Metropolitan District Council.
- The application Ref: 19/05049/FUL, dated 5 December 2019, was refused by notice dated 29 January 2020.
- The development proposed is the conversion of a detached garage into a child minding business with front and rear extensions.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of a detached garage into a child minding business with front and rear extensions at 2A Kingsdale Crescent, Bradford BD2 4DA in accordance with the terms of the application, Ref: 19/05049/FUL, dated 5 December 2019, subject to the following 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: 19/2413/ZA1, 19/2413/ZA2, 19/2413/ZA3, 19/2413/ZA4

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4) The driveway shall be retained in accordance with drawing no. 19/2413/ZA2 for 3 cars to be parked and thereafter that space shall be kept available at all times for that purpose.

Main Issue

2. The main issue is the effect of the proposal on highway safety and the free flow of traffic by way of the proposed parking provision.

Reasons

3. The appeal site is located on the corner of Kingsdale Crescent with Bolton Road. Vehicular access is taken from Kingsdale Crescent, away from the junction with Bolton Road. A driveway then runs alongside the house to a

double garage at the rear. The planning application form states that 5 car parking spaces are currently provided.

4. Kingsdale Crescent, apart from a small row of shop units opposite the site, mainly serves residential properties and has unrestricted on-street car parking. It is traffic calmed and operates at a 20 miles per hour (mph) speed limit. Bolton Road is a much busier thoroughfare and is classified as an 'A' road. Parking is also largely unrestricted. Bus stops are located close by and there are also advisory cycle lanes.

5. The Planning Officer Report refers to the proposed staffing levels and the Council's parking standards, stating that for day nurseries and creches, 1 off-street parking space is required per 6 children. On the basis that a maximum of 9 children could be accommodated, due to the Ofsted requirements that the appellant has cited, the proposal would require 1 to 2 off-street spaces. The Planning Officer Report also states that a minimum of 2 and ideally 3 off-street spaces should be provided for the residential use of the existing house.

6. Three off-street spaces are proposed to serve both the child minding business and the house. The spaces in the existing garage would be no longer available as it would be converted and extended to create the child minding business. When the Council's parking standards are applied to the proposal, there would be a modest shortfall.

7. The standards, as they are referred to in Policy TR2 of the Council's Local Plan for the Bradford District Core Strategy Development Plan Document (2017), are expressed indicatively. Hence, they are not to be used prescriptively and this allows other relevant factors to be taken into account. In this regard, as well as the limited exceedance of the standards, the proposal is for a small sized development with a likely low level of traffic movements. The site also lies close to bus routes so as to encourage the use of modes of transport other than the car.

8. The parking would be set out in a tandem arrangement. Whilst on occasion this may lead to manoeuvring difficulties, with the size of the development and the associated traffic movements, this would be unlikely to lead to undue effects on highway safety. In coming to this view, I have also considered the domestic traffic movements which themselves are also likely to be restricted as they relate to one dwellinghouse.

9. Parking outside the site, if needed, would be able to take place a safe distance away from the Bolton Road junction and so avoid the obstruction of the sight lines. This could also be achieved safely with regard to the speed limit and the largely residential traffic conditions on Kingsdale Crescent, and without obstruction to the accesses of nearby residential properties.

10. The associated traffic movements would also be largely temporary in nature, as children are dropped off and picked up. Hence, they would not result in an undue number of vehicles that are parked along Kingsdale Crescent for a significant amount of time and so should not cause parking difficulties for local residents. Movements at peak traffic times would also be limited because of the likely low traffic generation.

11. I conclude that the proposal would not have an unacceptable effect on highway safety and the free flow of traffic by way of the proposed parking provision. As

such, it would comply with Policy TR2 which seeks to manage car parking to help manage travel demand and support the use of sustainable travel modes, amongst other considerations, as well as the mechanisms set out in the policy, including the assessment of new developments against indicative parking standards.

12. It would also comply with the National Planning Policy Framework in relation to its approach to promoting sustainable transport. This includes providing safe and suitable access and where it 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.

Conditions

13. As well as the statutory time limit condition, I have imposed a condition in the interests of certainty concerning the approved plans. I have also imposed a condition in relation to the use of matching materials to the existing building in the interests of protecting the character and appearance of the area. A condition is also imposed so that the parking provision of the 3 spaces on the retained driveway as shown on the submitted plan ref: 19/2413/ZA2 is available, in the interests of highway safety and the free flow of traffic.

Conclusion

14. For the reasons set out above and having regard to all matters raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR