
Appeal Decision

Site visit made on 1 September 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/W4705/W/20/3249292

8 Fyfe Lane, Baildon, Shipley, Bradford, West Yorkshire BD17 6DP

- 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 Stephen Unsworth against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/05085/FUL, dated 5 November 2019, was refused by notice dated 27 February 2020.
 - The development proposed is to convert 4/5 bed corner house with granny annexe extension into two separate dwellings; split title deeds & all services.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. When on my site visit, I observed that the log cabin/music room had already been removed from the appeal site and that a new vehicular access and dropped kerb had been installed further away from the junction than that shown on the submitted plans. Notwithstanding the fact that the detached building has been removed and a new vehicular access and dropped kerb being put in place, in the interests of clarity, impartiality and fairness, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.
3. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to perceived unfair treatment due to the outcome of previous legal cases between them. However, this is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of its future occupiers and neighbouring occupiers having particular regard to the provision of useable private amenity space; and
 - the effect of the proposed development on highway safety.

Reasons

5. The proposal relates to the subdivision of a two-storey terraced dwelling, and its granny annexe/nail salon extension into two separate residential units. It is also proposed to demolish the existing detached single storey log cabin/music room located to the side of the property in order to create a new car parking area and vehicular access for one of the proposed new dwellings. There would also be an additional new vehicular access and dropped kerb provided to serve the occupiers of the other proposed two-storey terraced dwelling.

Living conditions of future occupiers

6. The proposal would replace the existing private amenity space to the front of the original dwelling that was extended with an area of hard standing to facilitate a new vehicular parking area and associated access. In effect it would therefore provide no useable private amenity space for its future occupiers to the front of the proposed dwellings. As a result, while I acknowledge that there would be some private amenity space to the rear of the proposed dwellings, I consider that the overall amount of useable private amenity space to be provided would not be sufficient to meet the needs of future occupiers.
7. I therefore conclude that the proposal would materially harm the living conditions of its future occupiers having particular regard to the provision of useable private amenity space. As a result, it would conflict with Policy DS5 of the adopted Bradford Core Strategy (2017) (BCS) which aims to ensure that proposals do not harm the amenity of existing or prospective residents.

Living conditions of neighbouring occupiers

8. From the evidence before me, and given the nature of the proposal, its location and orientation in relation to neighbouring properties, I conclude that it would not have an unacceptably harmful impact on the living conditions of neighbouring occupiers having particular regard to the provision of useable private amenity space.

Highway Safety

9. The appeal property appears to be currently used as a nail salon on the ground floor with the granny annexe/residential accommodation above with the original host dwelling they are attached to being a two-storey residence.
10. The area of hardstanding that would serve as the parking area for the proposed dwelling to be formed from the granny annexe/nail salon extension would have an off-street parking capacity for two vehicles. According to the submitted proposed plans, there would also be a vehicular access serving this area which would be located close to the junction between Fyfe Lane and Fyfe Crescent. The appeal site is also bounded by an open boarded timber fence with an approximate height of 1.8 metres.
11. As a result, given its proximity to the junction and the presence of the high fence close to it, I consider it likely that this proposed access would cause harm to highway safety. Indeed, the Highway Authority have objected to the proposal for similar reasons advising that a fence this close to a vehicular access should have a maximum height of approximately 600mm. They also advise that the access itself would be approximately 5 metres from the junction

which would also fail to meet the standard minimum distance of 10 metres in this regard.

12. The proposal would also provide an additional two off-street car parking spaces and a vehicular access for the second proposed dwelling. However, from the submitted plans this proposed parking area appears to be tight with limited space for the manoeuvrability of vehicles which would likely make it difficult for them to easily and safely enter and exit the proposed new vehicular access. As a result, I consider that these proposed parking arrangements and vehicular access would be a cramped form of development that would as a result be likely to cause harm to highway safety.
13. In fact, the Highway Authority have also objected to this proposed additional vehicular access advising that it would not be possible for both vehicles to access the proposed parking area independently which would therefore lead to some additional on-street parking.
14. Therefore, in the context of the above, and based on the evidence before me, I conclude that the proposed development would materially harm highway safety in conflict with Policy DS4 of the BCS which aims to ensure that pedestrian environments are convenient and secure, amongst other considerations.

Other Matters

15. Whilst I acknowledge the appellant's personal circumstances and have given them careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this factor is not of sufficient weight to outweigh the harm I have identified above that the proposal would cause in conflict with the development plan.

Conclusion

16. While I have concluded that the proposal would not conflict with the development plan with regard to the living conditions of neighbouring occupiers, this does not outweigh or overcome the material harm that I have identified above with regard to the living conditions of future occupiers and highway safety. Accordingly, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

¹ Paragraph: 008 Reference ID: 21b-008-20140306