



## Appeal Decision

Site visit made on 9 February 2021

**by Graeme Robbie BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 February 2021**

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**Appeal Ref: APP/W4705/W/20/3263655**

**Garage at John Street, Thornton, Bradford BD13 3JS**

**Easting(x): 409749 Northing(y): 432649**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Ian Smith against City of Bradford Metropolitan District Council.
  - The application Ref 20/00579/OUT, is dated 13 February 2020.
  - The development proposed is single dwelling to replace existing garage.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline form with all matters reserved for subsequent consideration. A proposed site plan based upon the site location plan but with additional annotation referring to a 'proposed dwelling' was submitted with the application. It is clear however from the nature of this plan and that the application was made with all matters of detail reserved that this is intended as a purely indicative plan. I have determined the appeal accordingly.

### Main Issue

3. This appeal derives from the Council's failure to give notice within the prescribed period of a decision on the appellant's application for outline planning permission for a single dwelling. The Council's Statement of Case sets out a putative reason for refusal had they been in a position to determine the application and thus the main issue is the effect of the proposed development on the living conditions of occupiers of nearby dwellings.

### Reasons

4. The appeal site is a long, thin site with existing residential properties and garden plots on either side. With a road frontage to the north, the site tapers to a point at its southern end. A footpath, the extent and alignment of which is unmarked on the ground, runs along the site's eastern side and links Hughill Street / John Street to the north with Alderscholes Lane to the south. Grounds levels fall towards the south, gently at first, then with steps and a retaining wall beyond the site to the much lower Alderscholes Lane.
5. The existing building within the site was most recently used for garage purposes. Although unused for several years and thus overgrown and untidy,

- it is nevertheless clear that the existing building has a utilitarian form and appearance with limited fenestration perhaps expected of such a building.
6. The Council are concerned that the proposal, in outline with all matters reserved, does not adequately or convincingly demonstrate that it would not cause harm to the living conditions of occupiers of neighbouring properties. Having viewed the site and its immediate surroundings, and having carefully considered the submissions before me, I agree.
  7. The neighbouring houses to the east at 2 and 6 Appleton Court that adjoin the site have a number of windows that face towards the appeal site. Ground levels at both of these properties are significantly below those of the appeal site such that there is a clear line of sight between the appeal site and building and the upper floor windows at the rear of No. 6 and on the gable elevation of No. 2. There is an intervening fence line along part of the boundary with No. 6 where the buildings are at their closest, but the upper floor rear windows at No. 6 still retain an elevated position above the appeal site and so the balance between
  8. It is quite likely that for a dwelling to provide an effective, usable and pleasant living space the pattern of fenestration would be materially different than that of the existing building, and in greater numbers than currently is the case. Given the long, thin nature of the site, it is likely that any dwelling would reflect those proportions, thereby emphasising the importance of fenestration on side elevations to provide natural light to rooms within the centre of the building's footprint.
  9. Given the appeal site's restricted proportions in terms of width, further compounded by the presence of the public right of way parallel to the eastern side of the site, I agree that it is not clear how a successful and high quality residential development which avoids harm to residential amenity and living conditions could be delivered on this site. Even if, as the appellant's indicative site plan suggests, the existing building's positioning was used as a starting point, the long, narrow site proportions would place constraints on layout, fenestration details and scale and their relationship with neighbouring properties. It may be that the appellant's undertaking that the proposed dwelling be only single storey may be sufficient to address matters of scale, but this would, in turn, place further constraints on both internal and external layouts. Nor, without the provision of such detail associated with the reserved matters can other methods to mitigate these amenity tensions, such as obscured glazing or boundary treatments, be adequately or effectively assessed.
  10. It is not clear therefore, within the scope and context of an outline application with all matters reserved, how the site could be developed for residential purposes without causing harm to the outlook and privacy of residents of existing residential properties around the site whilst still providing a high quality residential environment for future occupiers of the proposed dwelling. Whilst the appellant may not have wished to incur the expense of preparing detailed reports, surveys, plans and elevations to accompany an application for planning permission, this reluctance is not of assistance in situations such as this where an awkwardly shaped site is heavily constrained by existing development. Moreover, given the nature of outline applications, some of the

reserved matters could have been submitted at the outset to allow these pertinent matters to be fully and accurately assessed.

11. The absence of details that are intended to be reserved for future consideration should not in themselves be a reason to dismiss an appeal. However, in the absence of submission of some of these reserved matters I am not persuaded that it has been adequately demonstrated that the residential redevelopment of the appeal site would not cause material harm to the living conditions of occupiers of existing neighbouring residential properties whilst still providing appropriate, high quality residential accommodation within the proposed dwelling. As such, it has not been adequately shown how the proposal would contribute towards the Council's aims of achieving good design and high quality places, and taking opportunities to make a positive contribution to lives through high quality design. The proposal does not therefore align with the aims and provisions of Core Strategy policies DS1 or DS5.

### **Other Matters**

12. The Council concede that they do not currently have a 5-year housing land supply, with the figure set out in the Council's Statement of Case of 2.06 years falling somewhat short of a five-year supply. As such, and in line with the provisions of paragraph 11(d) where the policies most important for determining the application are out-of-date, the Council also acknowledge that the presumption in favour of sustainable development applies. Thus, Framework paragraph 11(d) states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole.
13. Concerns have been raised by local residents regarding highway safety and access to the site and also by the local highway authority. The Council acknowledges that the nature and layout of the surrounding streets presents issues in terms of carriageway and pavement widths, sightlines at the junction of John Street and Alderscholes Lane.
14. However, the Council is also mindful of the site's existing access point and concludes that the proposed residential use of the site would not generate significant levels of traffic over and above that which might be expected should a garage use resume. Whilst noting these issues during the course of my visit to the site, I have not been presented with any compelling evidence which would lead me to a different conclusion to that reached by the Council in this respect.
15. Nor have I been presented with any compelling evidence which would lead me to dispute the Council's conclusions regarding the effect of the proposed residential development of the site on character and appearance, or in terms of ground stability. The appeal site is a former garage site and, whilst overgrown, is neither public, accessible nor green space. The proposed redevelopment of the site may well serve to discourage the dog-fouling of the site and tidy up the site, but these are not matters which weigh sufficiently strongly in support of the proposal to outweigh the harm that I have identified.

### **Planning Balance and Conclusion**

16. The proposal would contribute an additional dwelling to the Council's supply of housing. However, in the context of such a significant shortfall in housing land

supply a single additional dwelling would do very little to contribute in a meaningful manner to improving the housing supply situation within the borough. Moreover, an additional dwelling in this context would only be of very limited benefit, and the harm that I have identified above is sufficiently significant to demonstrably outweigh such limited benefit. The absence of harm in terms of character and appearance and highways matters as set out by the Council weigh neither in favour of nor against the proposal at this stage.

17. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Graeme Robbie*

INSPECTOR