



Appeal Decision

Site Visit made on 21 September 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2021

Appeal Ref: APP/W4705/D/21/3271738

1 Garforth Road, Keighley, West Yorkshire BD21 4DR

- 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 H Wasim against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/05721/HOU, dated 10 December 2020, was refused by notice dated 5 March 2021.
 - The development proposed is described as the 'conversion of existing garage into annex. New roof and extension to side'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have raised concerns as part of its first reason for refusal that the proposal would effectively result in a change of use to an independent two bedroom residential dwelling. They do not however allege any harm as a result. I am assessing the development as applied for and set out in the description of development on the application form, which is for an annex. Although reference has been made to the development being for a one bedroom unit, the submitted drawings clearly identify two separate rooms, 'bedroom 1' and 'bedroom 2'. I have considered this appeal accordingly.
3. A revised National Planning Policy Framework was published in July 2021 (the Framework). Whilst the paragraph numbers have changed in regard to those relevant to the main issues of this case, the substance thereof remains the same as the 2019 iteration. I have not therefore sought the views of the main parties. I have proceeded with reference to the 2021 Framework in my findings.

Main Issues

4. The main issues are (i) the effect of the proposed development on highway safety with specific regard to on street parking and the free flow of traffic, and (ii) whether the proposed development would be at an unacceptable risk of flooding.

Reasons

Highway Safety

5. The conversion of the garage would lead to the loss of some car parking provision. The driveway would be retained, and I was able to see this area to

the front of the existing garage at the time of my visit, which was occupied by two vehicles. The submitted plans do not provide any details of the proposed future parking arrangements, but they do show the addition of a front lobby/porch to the garage which would encroach onto the driveway area and potentially affect the existing situation.

6. The proposal would therefore likely lead to a greater demand for on-street parking on Garforth Road. From my own site observations when I visited the site during mid-morning, the road was lightly trafficked, but I was also able to see that there was limited parking available on the street. In the evening and night when more vehicle owners return home from work, there is likely to be a greater demand for parking. The appellant states that there is just one vehicle present in the current household, but this was not reflected by my observations and in any event, this may not be the case for future occupiers.
7. The proposal would lead to an increase in parking on the public highway, and any such displaced parking from within the site would be competing for limited on-street parking availability. The displacement of vehicles onto an already congested street would lead to parking in limited space which could give rise to excess manoeuvres in the highway and reducing available space for vehicles to wait when passing each other. This could affect the free flow of traffic, and thus impinge on the safe use of the highway for vehicles.
8. On this basis, I consider the proposal would have an adverse effect on highway safety and as such, it would be contrary to Policies TR2 and DS4 of the Council's Core Strategy Development Plan Document (Core Strategy), which seek, amongst other matters, to manage car parking to help meet travel demand. It would also be contrary to the Framework, which states at Paragraph 111, that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Flood Risk

9. The appeal site is in flood zone 3. The appellant has stated that the site has not been flooded over the last 15 years and their Flood Risk Assessment (FRA) sets out that floor levels and electrical sockets would be raised, the floor would be moisture resistant and the walls would be lined for additional protection. It does not however provide details of the ground level in metres above sea level, the potential fluvial flow rates or the impact of water entry. It is further lacking in information on how people would be kept safe at a time of flooding, in terms of identifying a place of safety and evacuation procedures.
10. There is a dwelling already on the appeal site, but the proposal would introduce additional sleeping accommodation on the ground floor. From my site observations, the existing house is broadly level and not as stated, in an elevated position along Garforth Road. The appellant has suggested that a revised FRA could be controlled through a condition, but there is insufficient information before me on the effect of flooding and flood resilience measures. It is not a matter which can therefore be reasonably controlled by a planning condition as I need to be satisfied that, amongst other things, development in a flood zone is safe for its lifetime and would not increase flood risk elsewhere¹.

¹ The Exception Test, National Planning Policy Framework 2021, Section 14

11. Whilst the appeal scheme would be sequentially appropriate in flood risk terms through it being the conversion of an existing building, the proposal has failed to satisfactorily demonstrate that it would be acceptable in relation to how it would be protected, specifically in regard to the matters I have identified. The proposed development would therefore be at an unacceptable risk of flooding.
12. Although the Council do not reference any policies relating to this reason for refusal, I have been provided with details of Policy EN7 of the Core Strategy. It would conflict with this policy, which requires, amongst other matters, new development in areas of flood risk to be appropriately resilient and resistant. It would also conflict with Paragraph 152 of the Framework, which states, amongst other matters, that planning should take full account of flood risk.

Other Matters

13. It seems the garage is in need of some improvement works which the proposal would secure. This would also improve it visually. The appellant explains that the accommodation would provide for a growing family which includes an elderly relative. Wheelchair access would also be needed. Whilst there is limited evidence to this effect, the evidence alludes to the garage having been used for commercial purposes in the past. I would attach some weight to these matters but, when taken together, they would be insufficient against the substantial weight I attach to the harms I have found and the subsequent conflicts with the development plan.
14. The appellant states that they had positive meetings with the Council, and they received limited communication from them during the life of the application, along with having concerns about how it was dealt with. I am however tasked with determining the appeal on its planning merits and administrative matters such as these should be taken up with the Council.
15. The proposals would maintain the rear access and a link to the shared garden. The development would also not prejudice the overall development strategy set out within the Core Strategy. These are however neutral factors, being a lack of harm in each case, and thus not those which weigh in favour of the appeal.

Conclusion

16. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR