
Appeal Decision

Site visit made on 9 November 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/W4705/W/21/3284821
14 Beamsley Road, Shipley BD18 2DR

- 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 R Ludi against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/01729/FUL, dated 28 March 2021, was refused by notice dated 28 July 2021.
 - The development proposed is change of use of highway to garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The change of use has already occurred and the garden has been enclosed by means of a wooden fence. I am therefore determining this appeal on the basis of it being a retrospective proposal.

Main Issues

3. The main issues are the effect of the development on (i) highway and pedestrian safety and (ii) the maintenance and safe operation of the electricity substation at Midland Terrace.

Reasons

Highway and pedestrian safety

4. The concern of the local planning authority is drawn from the consultation response from the Council's Highways Development Control Service (HDSCS). It states that the fenced garden area has removed a useful 'T' shape turning area at the end of Beamsley Road with Midland Terrace and consequently it '*could*' lead to vehicles reversing a long distance to the junction of Midland Road with Beamsley Road to the detriment of pedestrian and highway safety.
5. I accept that the reversing of vehicles in the manner suggested by the HDSCS would have the potential to lead to some adverse pedestrian and vehicular conflicts, albeit in an area where my site visit revealed that traffic speeds and volumes were low. However, and, in any event, I do not consider that this sort of manoeuvre would likely be a regular occurrence. Indeed, Beamsley Road is not a cul-de-sac and a driver would be more likely to continue in a forward gear and loop back to Beamsley Road via Russell Street, Kay Street and Stanley Street rather than opt for a long reversing manoeuvre.

6. For the reasons outlined above, I do not therefore find that the development has given rise to any unacceptable impacts on pedestrian or highway safety. There is a convenient alternative route for any driver that wants to turn around. I am therefore satisfied that the development need not lead to unacceptable reversing manoeuvres down Beamsley Road. The development does not therefore conflict with the highway safety requirements of policy DS5 Bradford Core Strategy Development Plan Document 2017 (CS) and paragraph 111 of the National Planning Policy Framework 2021 (the Framework).

Maintenance and operation of electricity substation

7. The development has resulted in a significant narrowing of Midland Terrace such that it is no longer possible to drive a vehicle into this partly cobbled back street. While the evidence suggests that this back street has not been regularly used by vehicles, and indeed there is no through vehicular access to Highfield Road given a narrowing caused by the erection of a similar garden fence, there is no doubt that owing to the position of the appeal garden and its boundary fence there is now very limited space in front of the adjacent electricity substation for the purposes of maintenance.
8. The HDCS has referred me to a document called '*EDS 07-3101- Pre-design Requirements for Secondary Substations*' which is an engineering design standard (the Substation Standard). This states that '*safe and adequate 24-hour access from the public highway for operational personnel and vehicles, including plant delivery vehicles with a lorry mounted crane, should be provided and that access from road junctions and major roads shall be avoided*'.
9. The space between the appeal garden fence and the electricity sub-station is now very narrow and could not accommodate a vehicle, including a plant delivery vehicle with a lorry mounted crane. I afford the Substation Standard significant weight as a material planning consideration. In the absence of any persuasive evidence to the contrary, I find that the development has unacceptably hindered the ability to reasonably and fully maintain the electricity substation and hence to ensure that it is kept in good and safe working order.
10. For the above reason, I therefore conclude the development conflicts with policies DS1 and DS5 of the CS in so far that it does not contribute positively to a high quality place or enable acceptable access in respect of the maintenance and hence future safe operation of the electricity substation. There is also conflict with the Substation Standard and the public safety requirement of chapter 8 of the Framework.

Conclusion

11. While the development has not resulted in unacceptable harm to matters of pedestrian and highway safety, it has prohibited the ability reasonably to maintain an operational electricity substation. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR