
Appeal Decision

Site visit made on 15 February 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/W4705/W/21/3288868

29 Lucy Hall Drive, Baildon BD17 5BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andy Moss against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/01175/OUT, dated 5 March 2021, was refused by notice dated 11 June 2021.
 - The development proposed is outline application (including details of scale only) for the erection of 1 dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form adequately describes the proposal. I have therefore determined the appeal on this basis.
3. The application was made in outline with all matters reserved other than scale. Whilst this is the case, an indicative site plan has been submitted which shows clearly where it would be intended to place the dwelling midway within the rear garden of the existing property. It also shows the indicative driveway and parking and turning arrangements for vehicles.
4. I have therefore taken this plan into account as evidence as to whether an acceptable scheme could be provided. The plan also identifies the scale of the proposed dwelling with a ridge height of 5m, width of 7.4m and length of 15.1m.

Application for costs

5. An application for costs was made by Mr Andy Moss against City of Bradford Metropolitan District Council. This application is the subject of a separate Decision.

Main Issues

6. The first main issue is the effect of the proposal on the character and appearance of the area. The second is the effect of the proposal on the living conditions of nearby residential occupiers and the third is whether the access would be convenient and easy for people to move around on.

Reasons

Character and appearance

7. To the north of Lucy Hall Drive, the character and appearance of the area is one of low-density residential development with well sized gardens and numerous trees and hedges which contribute positively to the character and appearance of the area. These characteristics and features ease the transition between the settlement and the open countryside beyond to the north and west.
8. This contrasts markedly with housing development to the south of Lucy Hall drive, including that accessed off Prod Lane. This part of the settlement has a denser urban grain and a more enclosed character and appearance.
9. The loss of a significant section of the rear garden at the appeal site for the erection of a dwelling would cause significant harm to the open characteristics of the area which contribute so positively to its character and appearance.
10. Whilst the visual harm as a result of the dwelling would be limited from the public domain due to its proposed position within the rear garden, the development would be likely to be visible from nearby residential properties and gardens.
11. Further, the plans indicate that the site would be served by a new formal access driveway of significant length. This would appear as a very formal arrangement which would contrast sharply with the existing character of the site. It would likely result in loss of much of the more informal planting around the western boundary at the appeal site. Such impacts would be visible from Lucy Hall Drive and would form a harmful visual contrast with its established appearance.
12. The proposal would therefore harm the character and appearance of the area. It would subsequently conflict with policies DS1 and DS3 of the Core Strategy (2017) (CS) which amongst other things require good quality design that responds to the existing positive patterns of development which contribute to the character of the area.

Living conditions

13. The indicative plan shows the dwelling being positioned a short distance to the north west of 14 Sun Hill Drive (No.14). Whilst the application is accompanied by an Arboricultural Report¹ this does not appear to accurately identify the existing planting which sits close to the boundary between No.14 and the appeal site. This planting provides a significant screening feature between the sites.
14. This is important, because without this screening, there would be a high degree of visibility between the two sites. The construction of the dwelling in the position indicated, combined with the driveway access would be likely to pose a threat to the health of the planting through development that would potentially be within its root protection areas.
15. In turn, the dwelling, which it is indicated would be placed close to the boundary of the site with the garden of No.27 Lucy Hall Drive, would likely

¹ Arboricultural Report (Ver 3) by Mark S Feather.

have to incorporate some windows on its west facing elevation. These would look towards No.14 and would be likely to result in harmful overlooking in the event that the planting was lost.

16. The proposal would result in additional vehicular movements at the site as a result of the comings and goings of the future occupiers and also as a result of the arrival and departure of service and delivery vehicles. These would be likely to be most notable from the existing dwelling at the appeal site, 29 Lucy Hall Drive (No.29), 31 Lucy Hall Drive (No.31) and No.14.
17. Vehicles would be likely to cause some additional noise disturbance as a result of passing along the full length of the side boundary of No.31. The same would be the case for No.29, which has a range of windows and an access door on its west facing side elevation. Given the indicated proximity of the driveway, parking and turning area to No.14, there would also likely be noise disturbance to this dwelling.
18. The proposal would therefore harm the living conditions of the occupiers of nearby residential occupiers. It would subsequently conflict with Policy DS5 of the CS which requires that proposals not harm the amenity of existing users and residents. Further, the proposal does not take an approach to highways design which supports the overall character of the place and would therefore conflict with Policy DS4:D of the CS.

Ease of use of access

19. The indicative plans include proposals for a driveway head and indicative parking / turning for x2 cars at the proposed dwelling. However, depending on future levels of car ownership at the dwelling, it is possible that these spaces could be occupied by parked cars. This would mean that vehicles may then have to reverse on the driveway, possibly as far as Lucy Hall Drive itself were the indicative parking / turning for x2 cars at the existing dwelling occupied. The access may not therefore be especially easy to use.
20. It is the case that this arrangement may be uncomfortable for some and may not always be easy to use. However, there is nothing within the evidence which indicates that the access would result in adverse impacts upon highway safety. The proposal would not conflict with Policy DS4:B of the CS which amongst other things seeks development proposals that connect to existing street and path networks, public transport and places where people want to go in obvious and direct ways.

Other Matters

21. My attention has been drawn to other developments in the area in support of the proposal. I was able to view these sites during my visit. The site with the most similar arrangement to that proposed is on Prod Lane. However, every proposal must be considered on its own merits, and the appeal site and its surrounds have a different character to Prod Lane whilst the impacts of the accesses are unlikely to be identical at the appeal site and that development. The presence of this development does not therefore justify the proposal and nor do the other developments that have been brought to my attention which vary widely in their form.

Other Considerations

22. Set against the harm identified there would be social and economic benefits associated with the proposal. The single dwelling would contribute to the overall supply of housing and would provide some support to the local economy both during and after construction.

Planning Balance

23. The Framework² places significant emphasis on achieving well designed places. At paragraph 130, amongst other things, it states that planning decisions should create places which are sympathetic to local character including the surrounding built environment and should create places that are inclusive and which promote health and well-being, with a high standard of amenity for existing users. Therefore, the conflict between the proposal and policies DS1, DS3, DS4 and DS5 of the CS should be given significant weight in this appeal. As the proposal would be contrary to these policies, there would be conflict with the development plan as a whole.
24. The evidence indicates that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that the shortfall is of significance. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. I accept that there would be economic and social benefits associated with the provision of the scheme and acknowledge the deficiency in supply of deliverable housing sites. However, the contribution would be small in relation to a single dwelling and I have identified adverse impacts associated with the proposal. When considered together, I afford these adverse impacts significant weight.
26. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

27. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

T J Burnham

INSPECTOR

² National Planning Policy Framework 2021.