



Appeal Decision

Site visit made on 31 January 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022

Appeal Ref: APP/W4705/W/21/3285449

Airedale House, Sand Street, Keighley, West Yorkshire BD21 3AH

- 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 Abdul Gafar against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/00747/FUL, dated 13 February 2021, was refused by notice dated 13 July 2021.
 - The development proposed is the change of use from Commercial (B2) to 4 residential apartments (C3).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. Both main parties were given the opportunity to comment on the revised Framework as part of their appeal representations. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.

Main Issues

3. The main issues are:
 - Whether or not the proposed flats would provide acceptable living conditions for future occupiers, with particular regard to noise disturbance and outlook;
 - The effect of the proposal on highway safety, with particular regard to on-street parking;
 - Whether or not the development would offer adequate standards of security and safety; and

- Whether or not the proposed use of the site for residential purposes could be integrated effectively with the existing surrounding business and community uses.

Reasons

4. The appeal relates to a building formerly in commercial use (use class B2), close to the northern edge of Keighley town centre. The appeal property is a two-storey building, with a stone gable frontage to Sand Street, behind which it appears to be primarily of brick construction with a pitched slate roof. It is in two distinct, though connected, parts; the rear half of the building is neither as tall nor as wide as the front part. The proposal is to convert the building to four one-bedroom apartments, with two apartments on each floor.
5. Sand Street is a short cul-de-sac running off Sandywood Street, which in turn connects the appeal site to the town centre and beyond via North Street. The immediate surrounding area contains a mix of uses; Sandywood Street and the north side of Sand Street have a variety of (mostly) back-to-back housing. East of the site, directly attached to the appeal building, is Sand Street Autos, a small garage (though this was not open at the time of my site visit). Churchill House is a large building west of the appeal site (with its main frontage on North Street) which I saw hosted a variety of users including a church centre and the local Conservative association. The appeal property adjoins the gated car park at the rear of Churchill House, which is accessed from Sand Street.

Living Conditions

6. The Council's 2020 Homes and Neighbourhoods Supplementary Planning Document ("the SPD") provides advice intended to support the design and development of successful homes and neighbourhoods. It seeks to ensure that residential development provides a good quality of life by advising, among other things, that all habitable rooms should have a pleasant outlook, and avoid problems such as noise and fumes from existing uses.
7. Apartment 1 would be accessed via a patio on the Sand Street frontage, which would replace existing loading bay doors; apartments 2 (at the rear of the ground floor), 3 and 4 (respectively at the front and rear of the first floor) would be entered by a separate doorway from Sand Street leading to a communal hall and stairway. Apartment 3 would have a recessed balcony facing Sand Street above apartment 1's patio, while apartments 2 and 4 would have a recessed patio and balcony (respectively) opening onto the Churchill House car park. The bedroom windows of all four apartments, the lounges of apartments 2 and 4, and the lounge of apartment 3 would all overlook the car park.
8. As a result of the general orientation of the appeal property, most of the rooms within the proposed development would therefore have a limited and rather dismal outlook onto the Churchill House car park. The close relationship between the windows on the west side of the appeal property and the Churchill House car park would also result in the occupiers of all four apartments being disturbed or otherwise harmed by the noises of (and potentially also fumes from) vehicles manoeuvring within the car park, the use of which could not be controlled by the appellant. The proximity of the balcony of apartment 4 and,

in particular, the patio of apartment 2, to the car park would also render them of very little practical value as external amenity spaces.

9. As the doors and patio or balcony serving the lounges of apartments 1 and 3 would face Sand Street, those rooms would, in part at least, have a slightly more pleasant outlook than those of the other two apartments. However, the proximity of their external areas to the street would, particularly when vehicles were manoeuvring to arrive at or leave the adjoining garage, make them susceptible to a similar degree of disturbance from noise as apartments 2 and 4. The communal bin storage area shown accessed from the patio of apartment 1 would obviously also greatly diminish – and possibly completely eradicate – the patio’s usefulness as a private or semi-private amenity space for the occupiers of that flat.
10. The appellant has referred to a planning permission granted elsewhere in Keighley where the proposed development would have main aspect windows facing over a car parking area¹. I was not able to see that development, and therefore I do not know the extent to which it is comparable with the appeal proposal. However, even if it were, that a development elsewhere may offer poor living conditions for its occupiers provides no justification for allowing similar harm in this case.
11. I conclude that the proposed development would provide unacceptable living conditions for future occupiers, arising in particular from the poor outlook and the potential for significant noise disturbance from adjoining uses. The proposal therefore conflicts with Policies HO9 and DS5 of the 2017 Core Strategy Development Plan Document (“the Core Strategy”), which among other things seek to ensure that new housing development is of a high quality and achieves good design, and does not harm the amenity of prospective residents. For the same reason, the proposal conflicts with the provisions set out in Paragraph 127 of the Framework which seek to create places which have a high standard of amenity for existing and future users.

Highway safety

12. The proposed development would not include any parking spaces for the future occupiers of the proposed apartments or their visitors. The Churchill House car park is private for users of that building, and I saw that demand for on-street parking appears to be high in Sand Street, Sandywood Street and the surrounding areas. Indeed, at the time of my site visit I found that the nearest place where it was possible to park a car safely, courteously and legally was some distance from the appeal site.
13. The appeal site is close to Keighley town centre, and the bus station is (by the appellant’s estimation) around 0.3 miles away, so there are shops, facilities and public transport connections reasonably close to the appeal site. It may well be that, as a result, future occupiers of the proposed apartments would be able to walk, cycle or use public transport for at least some of their everyday journeys. However, there would be nothing to prevent occupiers of the development also owning private vehicles. There would also be likely to be visitors, including service or delivery vehicles, seeking to access the development, and there is no provision made for such vehicles to load and unload or turn.

¹ 20 Russell Street, LPA Ref 15/03167/FUL

14. As the appellant has pointed out, though specific examples were not brought to my attention, I accept that there are other residential developments close to Keighley town centre which also do not have provision for parking or servicing vehicles. To my mind though, while that observation may to some extent explain the apparent parking pressure in the area, it does not provide a substantive justification for this proposal.
15. The increased pressure for on-street parking nearby which would arise from the proposed intensified use of the appeal site would be likely to increase conflict between moving traffic and parked vehicles. The increased need for vehicles to turn in the narrow surrounding streets (especially those driven by occasional visitors to the area who would be less familiar with the layout and character of the area) would be likely to make the streets less safe for all users.
16. I therefore conclude that the proposed development would be harmful to highway safety, and would conflict with Policies DS4 and TR2 of the Core Strategy; among other things these policies seek to ensure that development manages parking and travel demand to support sustainable transport, and that car parking is well-integrated into the area, safe and convenient.

Security and safety

17. As already described above, apartment 1 on the ground floor would be accessed via a patio recessed within the overall form of the existing building on the site. While the patio would be overlooked from within apartment 1 itself, as a result of its depth and siting it would not be readily observed either from surrounding dwellings (including those elsewhere within the appeal scheme) or from nearby public spaces. This lack of natural surveillance of the enclosed patio opening onto Sand Street ignores the advice of the SPD in respect of security and safety. I note also the concerns raised by West Yorkshire Police that the recessed doorway would potentially attract rough sleepers or anti-social behaviour, if apartment 1 were to be empty for any period of time.
18. Had the proposal been acceptable in all other regards, I agree with the appellant that various other matters raised by the Designing Out Crime officer (for example, in respect of lighting, locks and entry systems) could have been addressed by the use of an appropriately worded condition requiring approval of further details. However, as currently proposed, the patio could not be adapted to become a private enclosed area for apartment 1 because the space would also be used by other residents to access the bin storage area. This aspect of the proposal could not be readily made acceptable by condition, and in my view it is a fundamental security failing of the scheme.
19. I conclude that the proposed development would not offer adequate standards of security and safety. It would therefore conflict with Policies HO9 and DS5 of the Core Strategy, which among other things seek to ensure that new housing development is of a high quality, offers a safe and secure environment, and reduces opportunities for crime.

Compatibility with surrounding uses

20. As I have already described above, that the proposed apartments would face and open onto the Churchill House car park would lead to occupiers of the proposed development having unacceptable living conditions. While the wider area contains a mix of residential and commercial uses, my findings on that

other main issue are in part demonstrative of this particular proposal's incompatibility with the surrounding land uses. The appellant indicated that he would be "willing to allow restrictions where necessary"; however, I have not been made aware of any potential reasonable restrictions which could overcome or mitigate the harm I have found in this respect.

21. There is also no evidence before me to demonstrate that the proposed apartments could coexist harmoniously with the existing garage business to the east, for example in relation to noise transmission between the adjoining buildings, and any mitigation necessary as a result. However, in view of my conclusions on the other main issues I have not sought further information on this point. I note the appellant's comment to the effect that the situation may be worse for some of the existing properties on Sand Street than would be the case for the appeal scheme; once again though, this is not a mitigating or justifying factor.
22. I therefore conclude that the proposal conflicts with the provisions of national planning policy set out in Paragraph 187 of the Framework which seek to ensure that new development can be integrated effectively with existing businesses and community facilities.

Other matters

23. The Council considered that the proposal would be acceptable in principle. I note also the representations from interested parties commending the proposed development for smartening up the street and a disused building. None of the evidence before me, including what I saw on site, leads me to a different view on any of these points. However, while both the physical improvement of the site and the provision of some additional housing would be benefits of the scheme, given the small scale of the proposal the modest weight which I consider those benefits carry would not outweigh the significant harm which I have found.
24. Another interested party commented on matters of site ownership, including that the owners of the appeal site only have access to the Churchill House car park for repair purposes. I note also the same party's comments that, as a result, the proposed apartments might not have safe egress in the event of a fire or similar emergency. To the extent that ownership matters are material to the main issues in this appeal (for example, the fact that the layout or use of the Churchill House car park could not be managed or controlled by a condition) I have addressed them in my reasons above. I have not considered the fire safety point in detail, as given my findings on the main issues it could not alter the outcome of the appeal.

Conclusion

25. The proposed development would not provide acceptable living conditions for future occupiers, arising in part from its incompatibility with surrounding commercial and community uses. It would be harmful to highway safety, and would not offer adequate standards of security. The proposal conflicts with the development plan taken as a whole.

26. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector