



Appeal Decision

Site visit made on 26 July 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th August 2022

Appeal Ref: APP/W4705/W/22/3298949

2 Back Prospect Place, Keighley, West Yorkshire, BD21 1PQ

- 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 Aslam against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/06380/FUL, dated 25 December 2021, was refused by notice dated 5 April 2022.
 - The development proposed is first floor extension over existing building and car park. Creation of under-croft for car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether or not the proposal would provide an adequate standard of security and safety;
 - ii) The effect of the proposal on the character and appearance of the area; and
 - iii) The effect of the proposal on highway safety.

Reasons

Security and safety

3. The appeal site comprises a furniture store with associated car park to the west of the A629 South Street and to the south of the Town Centre. It is accessed via Back Prospect Lane, which is a short cobbled unadopted cul-de-sac with a narrow footway on the side with the appeal site and a wider footway with grass verge on its opposite side. There is 3 storey residential accommodation to the north, a large traditional mill building to the west, a public house and beer garden to the south and, to the east, an attached sandwich shop with residential accommodation above.
4. The proposal would be a first floor extension above the existing building and its currently open hardstanding car parking area. The car park is surrounded on 3 sides by buildings and boundary treatments. Consequently, the addition of a relatively low and solid roof would create a significantly enclosed and sheltered area. As it would be unsecured and readily accessible on foot, it would be suitable for people to congregate including for rough sleeping and it would be

likely to result in an increase in anti-social behaviour in the area. There would be inadequate natural surveillance and it would be likely to deter pedestrians from using the footway along Back Prospect Place outside of normal retail hours. Consequently, the proposal would not be the creation of a safe place, with a high standard of amenity, and where crime and disorder, and the fear of crime, do not undermine community cohesion.

5. The appellant acknowledges that security and surveillance measures to protect the building and locality would be appropriate. He considers it would be relatively straight forward to provide security cameras and lighting. However, no detail of any such measures has been provided to demonstrate that the undercroft could be made safe, secure and unattractive for anti-social purposes. For this reason, taking into account the location and site context and in the absence of compelling evidence, I am not satisfied this is a matter that could be satisfactorily addressed by the imposition of a planning condition.
6. Therefore, I conclude that the proposal would not provide an adequate standard of security and safety, and it would create rather than reduce opportunities for crime and anti-social behaviour. It would conflict with Policy DS5 of City of Bradford Core Strategy Development Plan Document Adopted July 2017 (the CS). This requires, among other things, that proposals create safe and inclusive places that contribute positively to people's lives, providing safe and secure environments and reducing opportunities for crime.

Character and appearance

7. South Street comprises traditional 2 storey terraced dwellings with commercial ground floor premises juxtaposed with larger 2 and 3 storey residential, commercial and industrial type buildings. Notwithstanding the adjacent contemporary brick built Farish House, and the varied roofscapes and commercial frontages, the largely stone-built townscape has a relatively cohesive and traditional character and appearance.
8. The appeal property is a single storey flat roof building finished in brick with extensive glazing and signage. It is a low building nestled between the large 3 storey stone building that fronts South Street and the substantially large traditional mill building to the rear. Although it is out of keeping with the surrounding townscape, by virtue of its subservient scale and its set back from the highway the appeal building is not unduly prominent or conspicuous.
9. The proposal would be a first floor extension above the existing building and that would extend across and cover the car park. It would be a large 2 storey building with a flat roof and open undercroft carparking. It would be finished in brick and render to match the appeal building. It would link the 2 buildings to either side, but it would finish part way up the neighbouring walls and neither its eaves height nor its flat roof would sit comfortably in its surroundings. Moreover, while the submitted plans are not well detailed, they suggest that the first floor windows would not be well related to the existing ground floor commercial frontage. Consequently, the proposal would be an incongruous and discordant feature. It would be poorly related to the surrounding traditional built environment including in terms of its design, height, scale, roof, materials and its fenestration. In contrast to the modest and relatively unassuming existing building, the proposal would be a visually obtrusive feature that would not make a positive contribution to sense of place or local distinctiveness.

10. I accept that there are flat roof commercial premises, and varied roofscapes, elsewhere in the area. However, each scheme must be considered on its own merits. There is little compelling evidence that predominantly stone built and more traditional commercial premises, including the nearby Mantra House with its architecturally detailed façade and roof parapet, are directly comparable or provide a justification for the somewhat uninspiring flat roof design.
11. The appellant has suggested the appearance of the development could be made acceptable by the imposition of a pre-commencement planning condition requiring details of facing materials. However, taking into account my findings above, and in the absence of details of possible alternative facing materials, there is little before me to demonstrate that the adverse visual impact of the proposal could be overcome simply by altering the brick work. Accordingly, the proposal could not be made acceptable through the imposition of a condition.
12. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with CS Policies DS1, DS3 and SC9. These require, among other things, that development takes the opportunity to improve places, contributing to high quality places and creating a strong sense of place, responding to local character and context, displaying architectural quality and contributing positively to the skyline through the roofscape.

Highway safety

13. The appeal site is accessed via a relatively short and narrow unadopted road. In addition to providing for car parking, the existing car park area, which would be covered over by the first floor extension, currently provides for vehicle manoeuvring and turning. In this regard, while the undercroft would still be available for car parking, the first floor extension would prevent larger commercial vehicles from entering it for delivery, servicing or turning purposes.
14. In the absence of a turning area, large vehicles entering Back Prospect Lane in forward gear would need to reverse out onto the busy A629. In combination with a likely intensification of use of the premises, such as would result from its expansion, the loss of the turning area for large commercial vehicles would result in increased vehicular activity on Back Prospect Lane. There would be an associated increase in vehicles manoeuvring, including reversing on and off and waiting on the highway to turn into the access. Consequently, the proposal would not be the creation of a safe place and, taking into account nearby residential properties and footways, it would not minimise the scope for conflict between road users. It has not been demonstrated that it would allow for the efficient delivery of goods and access by service and emergency vehicles.
15. I note the suggestion that as the appellant owns the unadopted road he could control vehicles associated with the business and he could enforce against unauthorised parking on his land. However, while he may own all or part of Back Prospect Lane, there is little before me in relation to who else might have a lawful right of access over it. I accept that the proposal would be office and storage space for display purposes rather than sales. However, the proposal would apparently not result in any new employment opportunities and there would presumably be little to prevent the premises from being used for more intensive storage purposes. There is limited detail about either the existing use or the proposed use of the significantly extended premises and its associated vehicles and servicing needs, including in terms of the types and numbers of vehicles or when they would access the premises. Even if there was no increase

in large scale deliveries, it has not been demonstrated that existing delivery and service vehicles could continue to safely manoeuvre on Back Prospect Lane given the constraints that would be introduced by the undercroft. Moreover, irrespective of the appellant's intentions, the proposal would be an expansion of commercial premises and there would be little guarantee that future occupiers would not intensify activity at the site.

16. Therefore, I conclude that the proposal, by virtue of the significant expansion of the business premises and inadequate parking and servicing provision, would be detrimental to highway safety and it would fail to make adequate, safe and convenient provision for other users including pedestrians, neighbouring uses and waste handling. It would conflict with CS Policies DS4, DS5 and TR2. These require, among other things, that proposals provide easy and convenient access for all, make appropriate arrangements for servicing and contribute to safe and pleasant areas even in parking areas.

Other Matters

17. The proposal would be the expansion of existing business premises. However, the application form indicates that there would be no new employment opportunities. There is little substantive evidence that the proposal would provide any significant socioeconomic benefits such as would overcome the harms that I have found. Notwithstanding local and national policy support for the sustainable growth of businesses, on the basis of the evidence before me, this is a matter that carries limited weight in favour of the proposal.

Conclusion

18. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
19. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR