



Appeal Decision

Site visit made on 20 September 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2022

Appeal Ref: APP/W4705/W/22/3301781

388 Halifax Road, Bradford, BD6 2JR

- 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 N Brophy against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 21/04722/OUT, dated 7 September 2021, was refused by notice dated 21 March 2022.
 - The development proposed is outline planning application for dwelling to the side.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description on the application form, rather than the Council's decision notice, as there is no evidence that a change was agreed.
3. The appeal is made in outline with all matters except access and layout reserved for future consideration. I sought the views of the main parties on the plans, due to a discrepancy. This matter has been clarified, and I am proceeding on the basis of Drawing No.9443/02E. I have therefore assessed the submitted plans as merely illustrative insofar as they relate to the reserved matters of landscape, appearance and scale.
4. Notwithstanding the above, the officer report outlined that due to the size of the site further details of landscape, appearance and scale were requested in accordance with Article 5-(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015. The Council subsequently stated in the officer report that the plans relating to landscape, appearance and scale would not be considered. I have therefore proceeded on the basis that they are reserved matters.
5. Related to the above, the Council's second reason for refusal asserts that the application provided inconsistent information to enable its proper consideration. The appellant has clarified within their statement that Drawing No.9443/04 'Proposed Side Elevation A' does not show a discrepancy. This plan provides a cross section of the site including the neighbouring dwelling at No.8 Somerville Avenue, which I visually identified at my site visit. Therefore, I am satisfied that the Council's second reason for refusal does not fall to be considered by me, by virtue of the misinterpretation of No.8 as being part of the appeal proposal. Notwithstanding that the Council contests that parking layout is not shown across all plans, appearance, landscape, and scale would also be reserved matters should the appeal have been allowed.

Main Issues

6. The main issues in this case are whether the proposed development would provide suitable parking and turning arrangements within the site in respect of:
- highway safety; and
 - the character and appearance of the area.

Reasons

Highway safety

7. The appeal site is within the grounds of No.388, which is a large, individual detached property with a substantial detached garage to the side. It is accessed directly from the A6036, which is a busy primary route between Bradford and Halifax. It is set back from the roadway with a grassed front garden area, enclosed by a low traditional stone wall. The house is elevated above this garden and separated by a raised path and steps up to it. The garden and public pavement contain several attractive trees, to the side of the garage outside the site, is a dense landscape area. The existing driveway is relatively wide and capable of accommodating 2 cars side by side.
8. The existing access into the site would be widened and this would serve the host dwelling and the appeal proposal. Additionally, part of the grassed front garden area would need to be hard surfaced to create a small turning head and parking area for the host dwelling. The Council's reason for refusal focussed on the resultant effect of parking on the highway and the Council's Highway advice is that driveways taken from a classified road should have a turning area to allow entry and exit to and from the highway in forward gear in the interests of highway safety. However, the area for turning would be foreshortened due to the position and proximity of the parking spaces, landscape features and the front boundary wall.
9. The site layout provides parking spaces for both the existing and proposed dwelling, and existing vehicles would likely need to reverse on or off the road. However, in my view reversing manoeuvres and cars parking on the A6036 would be even more prevalent where two properties are sharing the same access and where there is limited turning space. There is no evidence before me which would illustrate beyond doubt that vehicles could enter and leave the site in a forward gear.
10. Although the A6036 is relatively straight and wide, such manoeuvres, and the increased likelihood of cars parking outside the site, would create unacceptable potential for collisions between the 2 households and within the highway, and would not be in the best interests of highway safety. I have noted the amended highway condition provided by the Local Highway Authority, but it would not ensure that suitable access, parking and turning provisions are made available to serve the development.
11. I therefore conclude that the parking and turning arrangements within the site would harm highway safety. Consequently, the proposal would be contrary to policies DS4 and TR2 of the City of Bradford Core Strategy Development Plan Document 2017 (Core Strategy). The proposal would also be contrary to

Principle 2.15 of the Homes and Neighbourhoods - A Guide to Designing in Bradford, Supplementary Planning Document 2020 (SPD) insofar as they seek to promote safe access, movement, and use.

Character and appearance

12. The site comprises an individual detached property in an area of similar substantial properties of varying architectural design. No.388 is a slight anomaly in that it is accessed directly from the A6036, whereas nearby properties are accessed from another road, which is parallel to the A6036.
13. The site layout shows the appeal proposal on the site of the existing garage, sited close to the site boundaries, back from the highway. The parking for both the appeal proposal and host dwelling would be seen as being well contained within the site. The front boundary wall and landscape features off site, would help screen this aspect of the development. Vehicles also park in front of other properties on the adjacent parallel access road. Therefore, although there would be a row of cars, and some loss of characteristic front garden space, this would nonetheless not have a significant visual impact for either the host dwelling or appeal proposal and the parking would not appear incongruous.
14. Although the proposal would not reflect all the specific SPD measures to ensure adequate integration of parking, the aims of this document to prevent unattractive environments which discourage active movement impacting on the health and well-being of residents would not be compromised as a result of this proposal. The space afforded by the siting and elevated position of the host dwelling and appeal proposal, would ensure that sufficient space is provided to ensure living conditions are not harmed by the parking areas.
15. The proposal would therefore not harm living conditions or the character and appearance of the area. Consequently, it would be in accordance with Core Strategy Policies DS4 and DS5, insofar as they seek to ensure that parking must be successfully integrated within the site. The proposal would therefore also not conflict with the SPD for the same reasons.

Other Matters

16. Although garden land, the provision of an additional dwelling in absence of a 5-year housing supply would align with the aims of the Framework to significantly boost the supply of housing. Such small-scale developments can make an important contribution to meeting the housing requirement. There would be benefits to the local economy arising from the construction period and future spend of occupants giving support to the local services and facilities. Moreover, the site would be accessible to public transport, services, and facilities. These factors weigh in favour of the scheme. Taking the Council's figures for the degree of shortfall, in the officer report, I give the modest contribution towards the supply moderate weight.
17. The Council have not included refusal reasons in relation to the principle, layout of the dwelling, living conditions of neighbouring residents, drainage, flooding, landscape, biodiversity and ecology or highway matters. Although I do not agree there would be harm to the character and appearance of the area from parking arrangements, the absence of identified harm for the above matters on the part of the Council is a neutral factor that does not weigh in favour of the proposal.

18. Conversely, the scheme would result in harm to highway safety, to which I afford significant weight.
19. I note the concerns raised by residents in relation to the potential impacts of the proposal on a range of matters including local wildlife and the living conditions of adjoining occupiers. However, these matters would not alter my findings set out above.
20. The appeal proposal would not accord with the policies within the development plan. The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.

Conclusion

21. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR