



Appeal Decision

Site visit made on 25 October 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/C2708/W/22/3296437

Pennine Haulage Brow Garage Rook Street Lothersdale, Keighley BD20 8EH

- 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 Trevor Jackson against the decision of Craven District Council.
 - The application Ref 2021/23450/FUL, dated 1 November 2021, was refused by notice dated 21 February 2022.
 - The development proposed is a single detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a single detached dwelling at Pennine Haulage Brow Garage Rook Street Lothersdale, Keighley North Yorkshire BD20 8EH in accordance with the terms of the application Ref 2021/23450/FUL, dated 1 November 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Although the Council's decision notice uses a slightly different address and application description, I have used the address and application description provided on the original planning application form as there is no evidence any change to these was agreed.
3. I sought clarification from the main parties regarding the lean-to structure which falls within the appeal site boundary and is attached to an adjacent garage. The appellant confirmed it houses filtration equipment required to provide a potable water supply, used by other dwellings within the wider former haulage Yard. This supply would also be available to serve the appeal dwelling. Notwithstanding this, I have determined the appeal on the basis of the plans that were considered by the Council when it refused permission on 21 February 2022.
4. The appellant and interested parties have provided various drawings of the parking, and access arrangements. However, these plans are not part of the formal proposal, and I have not treated them as such.

Main Issues

5. The main issues are:

- whether the proposed development would harm the living conditions of neighbouring occupiers with regard to space for parking, manoeuvring and access; and
- the effect on highway safety, with particular regard to additional on-street parking and visibility splays.

Reasons

Parking, manoeuvring and access

6. The appeal site once formed part of a haulage yard. The wider site has been redeveloped, and 3 terraced properties forming 1-3 Stansfield Mews (No.'s 1-3) have been built. The appeal site is served by an existing access from Rook Street. The vehicular access into the site leads to flat hard standing, which serves as an access to several other properties and off-street parking areas. The appeal site is similarly formed from open hard standing, it is set within the site, and lower than the road at Stansfield Brow. It is predominantly seen in the context of this previously developed site containing residential properties, domestic structures, the wider village, trees and landscape beyond.
7. Several planning applications, related to No.'s 1-3 have been granted and appear completed. It appears that the appeal site was originally intended for parking and manoeuvring although I have not been provided with approved plans. However, it has also been inferred subsequent amendments to the parking for No.'s 1-3 have been approved thus disaggregating the appeal site. The Council's officer report also acknowledges the parking areas within the site have recently been amended for the adjacent row of terraced dwellings.
8. The Council identifies that the proposal would limit available manoeuvring space and access to parking spaces for No.'s 1-3 and access to the other properties. The appeal site is to one side of the wide access from Rook Street and tucked into a plot within the corner of the former yard close to the site boundaries. To my mind, the location of the appeal site and the siting of the appeal dwelling would not impinge on the central open hard standing of the wider former haulage yard, nor would it impede the access into the site from Rook Street or prevent parking or manoeuvring for existing properties. The central part of the former haulage yard is open with no physical demarcation or delineation of site ownerships or boundaries or parking spaces. Therefore, the scenario of existing residents having to park on the highway because they could not access parking would be unlikely to change significantly as a result of the proposal.
9. I am aware that there are private access rights to cross the site, and concerns are that these could be obstructed, affecting essential deliveries or services. Whilst I cannot be certain that all types of vehicles will be able to obtain access to other properties, the appellant has stated that they recognise the rights of others to cross the site, and these must be maintained. Although I am sympathetic to the concerns, ultimately rights of access is a private legal right and I do not have substantive evidence before me that all farm machinery or delivery vehicles could not be accommodated. It is also possible for

neighbouring residents to discuss deliveries with other residents to momentarily move cars to allow greater accessibility on the occasions larger vehicles/deliveries are required.

10. In any event, although there is temporary type fencing around the appeal site, it is not available for parking or manoeuvring. Neighbouring occupiers would not be worse affected than at present in terms of access to parking and manoeuvring across the site, nor would it present a significantly different environment for pedestrians. Even if the appeal site was available there would already be a number of existing reversing and other parking manoeuvres to enter and exit the site, which would not be significantly easier than if the appeal site was available.
11. I find the proposal would not harm the living conditions of neighbouring occupiers as the site layout would retain sufficient space for parking, manoeuvring and access. Consequently, it would not conflict with Policy ENV3 of the Craven Local Plan 2012 – 2032 (November 2019). This is relevant insofar as it requires that development should protect the amenity of existing residents.

Highway Safety

12. The appeal drawings show off-street parking for two cars. This would amount to adequate off-street parking provision to meet the likely demand by occupiers of the proposed dwelling, noting the Council's officer report which advised this is adequate for 3-bed dwellings in a rural area. That being said, the proposal would increase parking demand from visitors and deliveries, which given that the remainder of the site is private would be likely to result in additional on-street parking.
13. There may be additional times of parking stress during village hall use or refuse collections. The likelihood of additional parking from visitors for a single dwelling causing such additional congestion and harm is not convincing. I am also mindful that the Local Highway Authority has not objected on highway safety grounds, and that I have no substantive evidence before me that the proposed development would make the existing situation significantly worse to the degree that permission should be withheld.
14. Neither has the Local Highway Authority objected to the increased use of the access. Therefore, whilst there would be additional vehicle movements between the highway and the appeal site, the access from Rook Street into the site is wide and long and appears capable of accommodating 2 cars side by side. Any congestion that would occur would be momentary and likely within the realms of the site rather than the public highway.
15. There is no substantive evidence that this proposal requires greater visibility splays than currently serves the existing residents. There is also no evidence of any accidents in respect of this access, and there is also a speed limit of 30 mph in force. I understand some works were undertaken with third-party consent to improve visibility, although I cannot be sure if this fulfils the requisite splay. However, I accept that Stansfield Brow bends round and leads into Rook Street, and is relatively narrow, and cars are parked on the highway. Nevertheless, the slight increase in the use of the access has been found to be suitable by the Local Highway Authority, subject to a condition which can be imposed, and I am satisfied this is proportionate to the development proposed.

16. I have no evidence that the siting of waste bins on the pavement has raised any highway safety concerns for the Local Highway Authority. I find that this is a localised impact in terms of refuse collection events. Although I accept this is not ideal, and will result in people walking in the road, this is the existing arrangement. The Council have it within their gift to facilitate alternative collection arrangements. In any event, even if the appeal were to be dismissed, there is no evidence that the refuse vehicles would be able to use the site.
17. I am therefore of the view that one dwelling, and the associated parking, vehicular movements and access associated therewith, would represent a minimal increase in the overall context, which would be unlikely to substantially increase the potential for conflict between vehicles or risk to pedestrians over and above the current scenario.
18. I therefore conclude that the proposal would be unlikely to lead to significant on-street parking and that suitable and safe access to the site can be achieved for all users, and therefore not harming highway safety. The proposal would therefore accord with Local Plan Policy INF4 which seeks to minimise congestion and reduce conflict between road users by ensuring proper provision and management of parking for cars and other vehicles and impacts of parking on the public highway.

Other Matters

19. As the proposal is within the Lothersdale Conservation Area (CA) and there are listed buildings within the wider village, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990). The closest Listed Building is a Grade II and called Stansfield House. The significance is derived from its age and architectural quality and siting in the village, is separated by the stone terraces on Rook Street. It does not stand in isolation from other dwellings, and intervisibility of the appeal proposal would be limited. Notwithstanding my duty with regard to the above Act, I find that due to the intervening built development, which is of similar form, character and appearance as the proposal, that it would have a neutral effect of the setting of the above listed building. The Council's Heritage consultant has stated that this listed buildings and others are sufficiently distant and separated for the proposal to have no meaningful impact on their setting, and I see no reason to disagree.
20. In relation to the CA, aside from the development at No.'s 1-3, the significance insofar as it is relevant to the proposal is as described by the Lothersdale Conservation Area Appraisal (CAA) that the lack of significant recent development has resulted in a highly legible settlement. The CAA goes on to state that the wider appeal site made a limited contribution to the Conservation Area by virtue of the open space and views of the landscape beyond. Whilst there are many dwellings sited parallel to Rook Street, the overall pattern of development of this rural village is irregular, with more recent in-depth development having taken place within the former yard. The design is appropriate for a rural setting, and the low height of the building, siting and materials would reflect the surrounding area. The proposal would not have a harmful impact on the range of views, identified in the CAA. I am mindful that great weight should be given to the conservation of designated heritage assets, however I do not find harm arising and conclude that the proposal would preserve the character and appearance of the CA.

21. The Council has confirmed that it has not based its refusal of planning permission on concerns over matters relating to the impacts of the proposed new dwelling in terms of density, overshadowing, loss of privacy or overbearing impact. I find that the distance, orientation and relationship of the proposal and proposed windows to neighbouring residential properties would prevent harmful effects. I also find the design of the fenestration, including the large ground floor window to be appropriate for its context, given that it would be recessed between walls.
22. A number of other matters have been raised by interested parties and I have taken them all into account. These include issues related to construction works, and scaffolding; surface water, flooding and drainage issues; environment and climate, sustainable construction considerations and effect on trees; and conflict with Policy and similar schemes on the site previously being refused. The additional landscape would increase permeability of the site, and the Council would maintain the right of control over the boundary treatment. I have not been presented with compelling evidence to demonstrate surface water flows are problematic, and the Council was satisfied in respect of the flood risk and drainage methods. Consequently, these issues do not lead me to a different overall conclusion.
23. Whilst I have been invited to listen to the relevant Committee Meeting, the written representations provided to me from the main and interested parties provides full insight and sufficient information. I have been provided with anecdotal evidence about the adequacy of the resultant parking for the wider site, but it is not within my remit to redress previous decisions or land registry issues. Nor do the past actions of a developer, the Council or Local Highway officers have any bearing on my assessment. I cannot also direct whether the Council undertakes any enforcement action in respect of previous schemes.
24. Whether the structure for the water filtration plant, or the fence above the dry-stone wall parallel with Rook Street requires planning permission or not, is not a matter before me. I note the filtration system is within the appeal site, however, I am satisfied it does not affect my assessment of the main issues.

Conditions

25. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. Some have been edited for precision. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
26. I have imposed a condition for a construction management plan given the proximity of neighbouring dwellings. I have imposed a materials condition given that the site is in the CA. The suggested visibility splay condition is imposed in the interests of highway safety, but I have changed the implementation time-frame of this, as it would have prevented any vehicles accessing the site, and the construction management plan could deal with this issue during construction, and I have taken a precautionary approach in imposing it.
27. I have also imposed a landscape condition, and the main parties have had an opportunity to comment on this, given that this would have benefits for surface

water permeability, and protection of surrounding trees. A condition for boundaries has also been imposed for visual and character reasons. A condition requiring the parking facilities to be formed and retained is imposed to ensure the development can accommodate its parking requirements. I have imposed the Permitted Development restriction, as an exception as the site is in a sensitive location in the CA and this is in the interests of the visual amenity and character of the area.

28. I have not imposed any conditions which relate to capacity of the private water filtration plant, as this was not suggested by the Council, and is ultimately a private testing requirement.

Conclusion

29. The proposal would accord with the development plan as a whole. For the reasons given above, and having taken all other matters raised into account, I conclude that the appeal should be allowed.

K Williams

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: No.001 and No. 002.
- 3) No on-site works shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction must be undertaken in accordance with the approved details during the duration of the construction of the development. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - i. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - ii. the parking of contractors' site operatives and visitor's vehicles; areas for storage of plant and materials used in constructing the development clear of the highway;
 - iii. details of site working hours; and
 - iv. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- 4) Prior to the construction of the external walls of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, and thereafter retained.
- 5) Notwithstanding the approved plan No:002 the dwelling hereby permitted shall not be occupied until visibility splays shall have been provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and thereafter retained for their intended purposes at all times.
- 6) No dwelling hereby permitted shall be occupied until a scheme for both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:
 - i. Hard surfacing or other hard landscape features and materials;
 - ii. Existing trees, hedges or other soft features to be retained and measures for their protection throughout the course of development;
 - iii. Proposed planting, and
 - iv. An implementation programme.

The landscaping works shall be carried out in accordance with the approved details and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) Prior to the first occupation of the development boundary walls and fences shall have been erected in accordance with a scheme that has first been agreed in writing with the Local Planning Authority and shall thereafter be retained.
- 8) No dwelling hereby permitted shall be occupied until the related parking facilities have been constructed in accordance with the details hereby approved. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 9) Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwellinghouse, nor the erection of any outbuildings, within the curtilage of the dwellinghouses hereby approved shall take place without the prior written approval of the Local Planning Authority.

End of Schedule