



Appeal Decision

Site visit made on 24 January 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/W4705/W/22/3306564

Land west of 22 Halifax Road, Queensbury, Bradford BD13 2DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by HRG Building Company Ltd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/00024/FUL, dated 13 December 2021, was refused by notice dated 18 March 2022.
 - The development proposed is construction of detached dwelling, amended access to app. no 20/00601/FUL.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The appeal site relates to a parcel of land which is accessed from Halifax Road in between two properties. Although there is an existing access serving the site from Halifax Road, visibility at the access point is severely restricted in both directions. This is due to the positioning of the two properties which are situated immediately adjacent to the footpath on both sides of the site access. Additionally, sight visibility is further restricted due to parked vehicles associated with existing dwellings, and I observed at the time of my site visit, there were vehicles parked across part of the access further obstructing visibility.
4. Halifax Road is a classified distributor road with a speed limit of 30mph. I observed the movements of vehicles along Halifax Road and while only a snapshot in time, I saw that the road was relatively busy with a consistent flow of traffic.
5. The evidence before me shows that a visibility splay of 2 metres x 20 metres would be provided at the site access. This would be significantly less than the visibility requirement of 2 metres x 43 metres. Although I acknowledge that the 2 metres is based on slow moving and lightly trafficked roads. Halifax Road is not and is a busy classified road. I have had regard to the Highways Statement submitted as well as reference to Manual for Streets. I am also aware of the improvements made including the widening of the access point as shown on the annotated plan to allow a vehicle to sit more centrally to improve vision. However, the visibility splay would still be significantly substandard

even with a level of flexibility applied and this, coupled with the site constraints would lead to conditions prejudicial to highway safety. Moreover, there is an existing bus stop located within close proximity to the site access which would further obstruct views and increase the impact on highway safety for all road users when exiting the site.

6. It is undisputed that the site previously accommodated development with an outbuilding still present onsite. The appellant contends that the outbuilding is used for the storage of materials and the access is used at present without difficulty. However, I must determine the appeal based on the current context of the site which even if the access is used, the overall use and frequency would be totally different to a dwelling. I acknowledge the anticipated traffic generation of 1 residential dwelling as set out within the Highway Statement and whilst low, visibility would still be severely restricted resulting in highway safety issues. The highly sustainable location of the site and historical accident levels along with normal caution and observation would be insufficient to outweigh this harm.
7. I have had regard to the appellant's photographs, and whilst there are other properties in the area which are accessed from narrow lanes with limited visibility in busier locations, this does not justify further development which would result in safety issues. In any event, I am considering the scheme that is before me, and I have identified the harm that would arise. I acknowledge the appellant's annotated plan, suggestion regarding build outs either side of the access and road markings. However, this has been rejected by the Council and does not form part of this appeal. I do not therefore have sufficient evidence to be able to consider this further.
8. Although parking and turning within the site would appear tight given the site constraints, from the appellant's evidence it illustrates that parking and turning within the site would be possible to enable a vehicle to enter and exit the site in a forward gear. I saw at the site visit the space that would exist around the dwelling for manoeuvring and providing the dimensions of the parking spaces meet requirements, I am content that sufficient space exists to allow for adequate parking and turning provision. There is no compelling evidence that suggests vehicles would reverse onto or from a classified road or that the proposed development would remove parking spaces on Halifax Road given the off-street provision. Such matters would not however overcome the issue of visibility upon exiting the site.
9. I conclude that the proposed development fails to demonstrate that adequate visibility can be achieved from the site and the proposed development would therefore unacceptably harm highway safety. As such, it would be contrary to Policy DS4 of the City of Bradford Core Strategy Development Plan Document, 2017 which amongst other matters, requires development proposals to create a network of routes which are well overlooked and convenient and easy for all people to understand and move around.

Other Matters

10. I acknowledge that the appellant requires a revised access to serve the development, and I am aware that there are concerns regarding the handling of the planning application. However, I attribute little weight to such matters, and they have not affected my findings on the main issue.

11. I note the planning history relating to the appeal site including a previous appeal for a similar proposal with access from Halifax Road (Ref: T/APP/W4705/A/99/1020636/P9). The previous appeal decision also acknowledged that the appeal site is flanked on both sides by two storey buildings which severely limit visibility in both directions and would cause harm to highway safety. Although this decision is from some time ago, and planning policy has changed, the site context remains the same in terms of the positioning of adjacent properties. On this basis, I have no reason to disagree with the previous Inspector in terms of visibility and highway safety.

Conclusion

12. For the above reasons, I find that the proposal conflicts with the development plan, read as a whole. There are no other considerations that individually or cumulatively outweigh this harm and development plan conflict. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR