



Appeal Decision

Site visit made on 24 February 2023

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2023

Appeal Ref: APP/W4705/W/22/3312082

59 Westgate, Bradford BD1 2RD

- 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 Waseem Akhtar against the decision of City of Bradford Metropolitan District Council.
- The application Ref 22/03278/FUL, dated 11 August 2022, was refused by notice dated 6 October 2022.
- The development proposed was described as '*Retrospective application for a proposed shipping container sited in an existing car park serving as a manned security booth. Specification of the shipping container: 11.5 W x 2.5m L, 2.5m H, 28.750sqm area*'.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. My visit to the site was scheduled to be carried out on an 'Access Required Site Visit' basis due to the site's location at the rear of frontage properties on Westgate. However, despite there being no representatives of the appellant present at the time of my visit¹, I was able to satisfactorily view the site on an 'unaccompanied' basis whilst waiting. I am satisfied that in so doing I was able to see all that I needed to see to make a decision and that neither main party has been disadvantaged.
3. Upon submission, the application was described as 'retrospective' and it is clear that the Council determined the application on that basis. At the time of my visit to the site a metal security cabin of the type shown on the submitted plans was in place within the car, in the location also shown on the submitted plans. I too have determined the application on the same basis.

Main Issue

4. The main issue is whether the development preserves or enhances the character of appearance of the Goitside Conservation Area (the CA).

Reasons

5. The appeal site is currently used as a car park and lies behind the substantial two and three storey terraced block of 51-59 Westgate. A similar area used as car park adjoins the site and lies behind the Textile Hall building, also fronting Westgate. Access by vehicle and on foot to the car park is taken between the buildings on Westgate.

¹ Between approximately 11:45 and 12:00 on 24 February 2023.

6. The steel shipping container security booth is already in place at the western end of the car park. Positioned close to the substantial stone boundary walls that enclose this end of the car park, the container is largely screened from immediate view beyond these walls. Nor is it seen from Westgate where the frontage buildings screen it from view.
7. However, the container occupies almost all of the site's western boundary and dominates that end of the car park, despite its limited height. From within the car park, and from elevated upper floors of the residential development to the south of the site however, the container is clearly visible. Here, its angular appearance and materials give it an incongruous appearance and, despite the presence of fully glazed doors and a window within its front elevation, it is unmistakably a shipping container.
8. Whilst the appeal site lies within an immediate setting and context of a car park and service area associated with commercial buildings, the siting of the container within it is nevertheless incongruous and jarring. Its external appearance, materials and colouring visually and harmfully jar with the softer tones of the stonework and concrete render of the large commercial buildings on Westgate. That the site also lies on the fringes of areas of residential development underlines its unsympathetic character and appearance and significant size and ensures that the container, whilst not widely visible from public vantage points, is far from hidden from view.
9. Core Strategy (CS) Policy EN3 sets out the Council's approach to the historic environment where the character, appearance, historic value and significance of the District's designated heritage assets will be preserve, protected and enhanced. Proposals will be required to conserve and where appropriate enhance the significance of heritage assets which contribute to the distinctive character of the District. A large metal shipping container at the rear of traditional stone-built commercial parade would fail to work towards these aims, contrary to CS Policy EN3. Whilst the officer report also refers to the scheme being contrary to CS Policies DS1 and DS3, these do not appear within the reason for refusal and, as such, have not been determinative in my consideration of this matter.
10. As the site lies within the CA there is a statutory duty upon the decision maker under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework (the Framework) states that where a development scheme leads to less than substantial harm to the significance of a designated heritage asset, that harm shall be weighed against the public benefits of the proposal.
11. The appellant states that the container is 'desperately needed' to provide a security booth and site cabin for the manning of the car park. However, no further justification for its presence or, at over 11 metres in width, its substantial size, has been set out. I accept that a security presence at a car park may provide some assurance to users of the car park in terms of safety and security but remote surveillance and contactless methods of payment are not uncommon and increasingly provide an alternative means of providing such assurance.

12. Whilst these matters are public benefits, they do not outweigh the harm that I have identified arises to the character and appearance of the area. The appeal scheme is contrary to the provisions of CS Policy EN3 and the aims of the Framework in respect of the historic environment.

Conclusion

13. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR