



Appeal Decision

Site visit made on 7 February 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2023

Appeal Ref: APP/W4705/W/22/3308920

2a Wrose Road, Bradford, West Yorkshire BD2 1LH

- 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 Gary Mallinson against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/01452/FUL, dated 23 March 2022, was refused by notice dated 30 June 2022.
 - The development proposed is change of use from retail to daytime coffee house and evening micro pub with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form appears to contain information in support of the proposal. These are not acts of development in themselves. I have therefore used the description from the Council's decision notice which adequately describes the proposal.
3. The decision notice refers to Policy TR2 from the Replacement Unitary Development Plan. The Council have confirmed this is an error and Policy TR2 is contained within the Local Plan for the Bradford District Core Strategy Development Plan Document (2017) (the Core Strategy).

Main Issues

4. The main issues are the effect of the proposal on:
 - the living conditions of occupiers of nearby dwellings, with regard to noise and disturbance; and
 - highway safety, with particular reference to car parking.

Reasons

Living Conditions

5. The appeal site is located within a residential street, in-between two dwellings and with dwellings to the rear. The surrounding area is predominantly residential in character, an exception to this is the dental practice on the corner opposite the appeal site. The appeal site is near to a junction with a roundabout, which has a commercial character and includes a mix of uses.

6. The close proximity of dwellings to the appeal site creates a sensitive relationship. Noise and disturbance arising from customers milling about outside the front of the premises, or on their way to or from it, whether by foot or vehicle, would be likely to be directly audible from the windows of the immediately adjacent dwellings, representing a significant noise increase over the existing situation, particularly into the evening.
7. It is also likely that customers would spend more time within and outside the drinking establishment in the evenings, at weekends, and on bank holidays when it is reasonable for nearby residents to expect a quieter environment. Accordingly, the increased frequency, duration and intensity of noise associated with a café/drinking establishment in this location in such close proximity to dwellings would be detrimental to the living conditions of the nearby residents.
8. Such levels of noise and disturbance could already be experienced at the nearby roundabout, where there is a concentration of commercial uses, including a late-night convenience store, a drinking establishment and a hot food takeaway. I appreciate these uses will have comings and goings, but they are further away from the appeal site, separated by a large roundabout. Moreover, owing to the appeal site being bordered on three sides by dwellings, the established residential character of the immediate vicinity of the appeal site is materially different to the more commercial area at the roundabout.
9. I note the appellant suggests the passing trade attracted by the unit would not lead to additional noise and disturbance, and that the dentist opposite will overlap with the opening hours of the proposal. However, both these matters do not lead me to conclude that noise and disturbance from the proposed development would be acceptable.
10. Accordingly, the proposal would cause harm to the living conditions of occupiers of nearby dwellings, with regard to noise and disturbance, in conflict with policies EN8 and DS5 of the Core Strategy (2017). These policies, amongst other things, require a high standard of amenity for residents.
11. It would also be contrary to the provisions of the National Planning Policy Framework (the Framework) in Paragraph 130 which seek developments that create places that promote well-being and have a high standard of amenity.

Highway Safety

12. There is an area of hardstanding towards the front of the appeal site adjoining a driveway and dropped curb for access. The proposal would result in an increased level of pedestrian and vehicular activity in comparison to the previous use, and the neighbouring dwellings.
13. Irrespective of the precise floorspace measurements and corresponding level of car parking provision, even if four car parking spaces could be provided, given the relatively small area of hardstanding it is not clear how legible pedestrian access could be achieved. It is also highly doubtful that each space could be accessed independently however they are arranged. Accordingly, this is not a matter that can be overcome through the imposition of a condition requiring the submission of a parking scheme prior to the building being brought into use.
14. The proposed development could therefore lead to on-street parking. Given the presence of on-street parking already, the site's location near to the

roundabout, and the restrictions that places on the availability of on-street parking spaces, this would be likely to affect the free flow of traffic and reduce visibility for motorists joining the road from their properties.

15. As such, the proposal would be harmful to highway safety, with particular reference to car parking. This is in conflict with policies DS4 and TR2 of the Core Strategy which require an assessment of parking provisions against the standards set out in the plan, and a design led approach to car parking that supports the street scene and pedestrian environment.
16. The proposal would also be contrary to the Framework at Section 9 in relation to sustainable transport, which seeks places that are safe and minimise the scope for conflicts between pedestrians and vehicles.

Other Matters

17. I have considered the local support for the proposal. While the scheme would help promote local business, create new jobs in the local area and benefit the community in this regard, the unit would be very small, and I have no details of any particular community need for the proposed uses. Therefore, I give these general benefits only limited weight.

Conclusion

18. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR