



Appeal Decision

Site visit made on 28 February 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Appeal Ref: APP/W4705/D/22/3311687

218 Bradford Road, Shipley, Bradford BD18 3AN

- 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 Ifthikar Khan against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/03431/HOU, dated 6 August 2022, was refused by notice dated 7 November 2022.
 - The development proposed is described as 'Drop kerb required for access for my disabled mother who lives at the address. The side streets are now too congested and we are unable to park there and my mothers health has further deteriorated and we require parking on our property. The property is on a main road and we have been advised by the councils highway team that we must obtain planning permission before we can reapply for a drop curb. There are dozens of properties on this road that have drop curbs and drive ways leading on from this main road. There are several properties that have a drop curbs that are right next to a junction. My property is considerably over 10 meters from the nearest junction. I have pictures of numerous drop curbs on the road within a quarter mile of my property. I hope to add these to this application if I am allowed.'
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises a terraced property in a predominantly residential area, on Bradford Road, the A650, a busy classified road. The appeal property and the majority of other properties in the locality do not have off street parking on their frontages. There is a garage and area at the rear of the site, accessed from a rear alley that serves a number of properties on Bradford Road and Grove Road. On my site visit I observed tyre marks in the rear area which strongly suggest that it is regularly used for the parking.
4. The proposal would create a dropped kerb across a large section of the site frontage to gain access to a parking area at the front of the appeal property. The turning of a vehicle would be possible within the area, however the dimensions are such that it would require multiple movements particularly given that the steps to the front door encroach into the available space. Furthermore, the turning of a vehicle would be more challenging if two vehicles parked in tandem within the space and could not be achieved if the vehicles parked side by side. It is therefore reasonable to consider that vehicles would

regularly be reversing into the parking space or reversing out on to the road. This likelihood would then cause conflict with highway users, including pedestrians and cyclists using the dedicated cycle lane, and would impede the safe flow of traffic.

5. I observed on my site visit that some nearby properties have dropped kerb accesses to frontage parking. These properties are likely to encounter similar issues and do not serve to demonstrate that further off-street parking with similar restrictions to turning would be acceptable. The proposal would only exacerbate the potential for vehicular conflict.
6. The appellant indicates that whilst the area to the front of the property could accommodate two vehicles, only one vehicle would be parked within the space. However, a future occupier of the property may fully utilise the available parking space for two vehicles. Furthermore, restricting the area to the parking of one vehicle could not be effectively secured through an enforceable condition.
7. The appellant indicates that he does not wish to use the rear space to park a vehicle as this provides the only usable outdoor space for the household given the air and noise pollution experienced at the front of the property. Nevertheless, this would not prevent the space being also used to drop off members of the household for the vehicle then to be parked elsewhere. I understand the appellant's situation and the desire for more convenient access to the dwelling that retains the rear space free from parking. However, I find that the wider public interest and the potential for an increase in danger to the safety of users of the highway must be determinative in this instance.
8. For the reasons above, I find that the proposal would be harmful to highway safety. 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. I also find conflict with the National Planning Policy Framework in so far as it seeks to minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

9. As the proposed development is required to assist an elderly, disabled person, in my assessment of this appeal I am mindful of the Public Sector Equality Duty arising from section 149 of the Equalities Act 2010 (the Act). The Act requires me to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Amongst other things, for the purposes of the Act, protected characteristics include disability and age.
10. I am sympathetic to the personal circumstances outlined by the appellant, and I acknowledge that the proposed footway crossing would enable his family to park at all times next to the appeal property, which would be beneficial for them and particularly the elderly, disabled member of the household. Nevertheless, this does not outweigh the risk to highway safety that I have already identified, particularly given that space is available directly at the rear of the property for a vehicle to stop and drop off passengers.

Conclusion

11. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
12. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR