



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: 24 March 2023

Appeal Ref: APP/W4705/W/22/3311281

Land Adjacent to Brook House, Bradford Road, Bingley, Bradford BD16 1NE

- 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 Mr Rob Christie against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/01197/FUL, dated 14 March 2022, was refused by notice dated 19 May 2022.
 - The development proposed is construction of three dwellings, comprising of one pair of semi-detached houses and one detached house with associated detached garage, vehicle parking, vehicle turning area and highways improvements.
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Decision

1. The appeal is allowed and planning permission is granted for construction of three dwellings, comprising of one pair of semi-detached houses and one detached house with associated detached garage, vehicle parking, vehicle turning area and highways improvements on land adjacent to Brook House, Bradford Road, Bingley, Bradford BD16 1NE in accordance with the terms of the application, Ref 22/01197/FUL, dated 14 March 2022, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Rob Christie against City of Bradford Metropolitan District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant has submitted swept path analysis drawings showing vehicle turning as part of their appeal statement as well as a further plan indicating visibility splays. As these plans relate to turning manoeuvres within the site and visibility splays only and is not considered prejudicial to any party, I have taken these plans into account in reaching a decision. The appellant has also submitted an amended plan which indicates how the visitor parking concern could be overcome which I have also had regard to as set out further in my reasoning below.

Main Issues

4. The main issues are:
 - The effect of the proposed development on highway safety having particular regard to the use of the access, visibility, turning facilities and parking; and

- The effect of the proposed development on the overall character of the access.

Reasons

Highway safety

5. The appeal site relates to a parcel of land which is accessed via a private driveway located off Bradford Road. The access already serves 4 properties and I note that a previous planning permission to allow for a fifth property has been implemented but has not been built. The proposed development comprises 3 dwellings and would be constructed in the position of the fifth property bringing the number of properties served by the driveway to 7.
6. The driveway widens at the site entrance and a good level of visibility is apparent in both directions at the point of egress. Whilst there is a bus stop located nearby and a footpath running across the front of the entrance, the additional traffic and generated trips associated with the development over and above that generated by 5 dwellings would not be significant and would not materially exacerbate the existing situation. Additionally, the Council have recently granted consent for a variation to the sight lines of a previous planning permission relating to residential development on the appeal site. In doing so, the visibility arrangements have already been assessed and have been found to be acceptable to serve 5 dwellings. Nothing has changed onsite to suggest a different visibility splay requirement for a further 2 dwellings.
7. The access road is currently a single-track driveway of limited width with no turning area and a rising gradient towards the site entrance. The proposed development would widen the existing access to 4.5 metres which would allow for greater visibility and movements along the access and would be wide enough to accommodate two vehicles next to each other which would limit any waiting or reversing back onto Bradford Road. The Council have previously accepted a lower width of 4.1 metres to serve 5 properties whilst retaining the existing gradient and I note that a contributing factor in allowing the previous variation was the limited number of units. However, a further 2 dwellings with only a very slight increase in the number of trips generated coupled with the improvements proposed would improve the existing access arrangements despite retaining the existing gradient.
8. Additionally, the appeal site is a very short distance from the junction with Bradford Road. Given the close proximity, vehicles are likely to be travelling at very low speed and, given the existing gradient and public footpath running along the front of the entrance, vehicles would likely be proceeding with caution particularly in times of inclement weather. I am aware that there has previously been a fatal accident in the vicinity of the appeal site involving a pedestrian and vehicle. This accident is said to have occurred when the pedestrian was crossing the carriageway and there are no details to suggest that the accident occurred for any reason relating to the junction. On this basis, there is no substantive evidence to show that any such issues would arise.
9. I understand that the Council's highways department has a long-established practice of not supporting more than 5 properties off a private driveway. There is evidence before me of other developments elsewhere in excess of 5 properties using a shared private driveway having been supported. The reasons for the practice are unclear.

10. The proposed development would require 4.5 car parking spaces in order to accord with the car parking standards set out within Policy TR2 of the City of Bradford District Core Strategy Development Plan Document (DPD). The Council set out that the visitor parking requirement is 1 space per 4 units. Whilst the appellant questions the requirement for visitor spaces based on the wording of Policy TR2, the proposed development would provide 6 car parking spaces plus a garage for the detached property. Even taking into account the visitor space requirements set out by the Council, the overall provision would still exceed the requirements and would be sufficient to serve 3 dwellings.
11. Whilst I note concerns regarding the dimensions of the parking spaces, provision is above the minimum size specified in Manual For Streets and there is evidence before me of recent examples elsewhere where the Council have asked for smaller dimensions. I have had regard to the plans provided including swept path analysis drawings which illustrate that a car can enter and exit the parking space. I am therefore content that the parking spaces would not lead to difficulties for drivers utilising their off-street parking.
12. A vehicle turning area is also proposed and based on the plans provided including swept path analysis as well as my own observations on site, I am content that the turning area is sufficient to allow vehicles to enter and exit the site in a forward gear. There is no compelling case to suggest that the turning area would be occupied by residents of the proposed dwellings or by visitors to the site, particularly given that sufficient parking is proposed. Provision of off-street parking would also deter parking on Bradford Road. I appreciate that there may be deliveries to the site, however, deliveries are likely to already serve the existing properties and, any waiting on the driveway would be for a very short period of time before using the turning area to exit the site safely. Considering the above, and taking into account the sufficient parking provision, the additional plan showing further visitor parking is not required.
13. I conclude that the proposed development would not unacceptably affect highway safety and would accord with paragraph 111 of the National Planning Policy Framework (Framework) which states amongst other matters, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Character

14. I note the Council's concern regarding the attractiveness of the access for other users given the proposed layout and intensification of vehicle activity. In respect of access, the proposed development would widen the existing access, provide a turning area within the site and additional parking. However, this would not materially affect the experience of users of the access.
15. Additionally, and as referred to above, the additional activity associated with the development over and above that generated by 5 dwellings would not be significant and would not materially exacerbate the existing situation.
16. I conclude that the proposed development would not unacceptably harm the character of the access for users. It would therefore accord with Policy DS4 of the DPD which amongst other things, requires development proposals to take an approach to highway design which supports the overall character of the place.

Other Matters

17. Whilst there are many larger properties with large garden areas and parking facilities within the vicinity of the site, the proposed development would be in keeping with the surrounding area by reason of its design, scale, size, height and materials and would not appear discordant in this context. The proposed dwellings would also provide a level of outside amenity space to the rear and there is no compelling case that there are deficiencies with the levels provided. Due to the dwellings' orientation, position, siting and separation distances to nearby properties, the development would not give rise to any significant adverse effects in relation to privacy. Ownership matters are a private matter between the relevant parties and not within my jurisdiction.

Conditions

18. I have considered the Council's statutory consultee's suggested conditions in their consultation response as well as the appellant's suggested conditions in light of the Framework and Planning Practice Guidance and these have been amended where necessary for clarity.
19. I agree that the standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. There are two plans provided under Drawing No. P-303 with one showing the dimensions of the parking areas but are ultimately the same drawing. Conditions relating to foul and surface water drainage are necessary in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk. Conditions relating to vehicle turning, parking, improvements to the access and visibility are all necessary to ensure that sufficient space is available for parking and turning as well as ensuring a safe and suitable form of access is made available in the interests of highway safety.
20. The appellant's suggested condition relating to materials is not necessary given the details contained on the approved plans and the suggested condition regarding electric vehicle charging points has not been applied because this matter is covered by building regulations and is therefore not necessary. The suggested condition relating to finished floor levels has also not been applied given that I cannot be certain that it is necessary based on the evidence in front of me.

Conclusion

21. For the above reasons and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

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 complete accordance with the following approved plans: Proposed Site Plan Drawing

No. P-303; Plot 1 & 2 – Proposed Floor Plans & Elevations Drawing No. P-304; Plot 3 – Proposed Floor Plans & Elevations Drawing No. P-305; Proposed Garage Floor Plan and Elevations – Plot 3 Drawing No. P-307; Proposed Site Sections Drawing No. P-308; Site Access Visibility Splays Drawing No. SCP/220439/DO1.

- 3) No piped discharge of foul water shall take place from the development until details of a scheme for foul water drainage have been submitted to and approved in writing by the Council. The scheme as approved shall be implemented prior to the first occupation of any dwelling.
- 4) Notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage have been submitted to and approved in writing by the Council. These details shall be based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce the development's effect on the water environment. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable, the maximum pass forward flow of surface water from the development shall be restricted to 3.5 litres per second or to an alternative rate to be agreed with the Lead Local Flood Authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.
- 5) Prior to the first occupation of any dwelling hereby approved, the areas for vehicle turning and the parking/garaging facilities for that dwelling shall be provided within the site and made available for use, in accordance with details shown on the approved drawings and details of surface water drainage subject of condition 4.
- 6) Prior to the first occupation of any dwelling hereby approved, the improvements to the means of vehicular access, including its widening to at least 4.5 metres, shall be carried out, and the improved means of access shall be hard surfaced, sealed and drained within the site in accordance with the approved drawings.
- 7) Before the dwellings are brought into use, the sight lines shall be provided as shown on the approved drawings. The visibility splays shall remain available for use and shall be retained clear of such obstructions thereafter.

End of schedule