



Appeal Decision

Site visit made on 9 January 2024

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/W4705/W/23/3331627

24 Malvern Crescent, Riddlesden, Keighley, West Yorkshire BD20 5DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Wasif Hussain against City of Bradford Metropolitan District Council.
 - The application Ref 23/01576/FUL, is dated 5 May 2023.
 - The development proposed is a 2 storey detached dwelling with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. Since the appeal was submitted, the Council has indicated that it would have refused planning permission on grounds relating to character and appearance, parking, and biodiversity. I have drawn on these concerns, together with comments from interested parties and the other evidence before me, to form the main issues in this appeal.
3. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework) along with its latest Housing Delivery Test (HDT) results. However, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and the HDT results for the Council area (67%) indicates that there is no change to the housing position at this time. Consequently, I have not deemed it necessary to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my approach.

Main Issues

4. In light of the above, I consider that the main issues are the effect of the development on:
 - the character and appearance of the surrounding area;
 - parking stress and other road user convenience; and
 - biodiversity, including the effect on the integrity of designated sites of nature conservation.

Reasons

Character and appearance

5. The appeal site is an area of garden land at the side of 24 Malvern Crescent. The street scene is generally characterised by houses which are set back from the road by similar amounts and have their roofs running parallel with the street. The houses on the north side of the street, including the appeal site, are elevated above road level, and so have increased prominence in the street scene.
6. The proposed dwelling would generally reflect the height and materials of No 24 and other houses in the street. However, its gable-fronted design and perpendicular orientation would be unlike any other dwelling in this part of the street, causing it to appear incongruous. Furthermore, there would be very little space between the front corners of the dwelling and its neighbours when viewed from the street, giving an impression of development which has been uncomfortably shoehorned into the site. The overall result would be a development which appears unduly cramped in its plot and does not relate appropriately to the existing pattern of development and character of the street scene.
7. In terms of other matters raised, there would be some tree removal along the western boundary and within the garden. However, none of these trees are of high amenity value. The more important trees at the rear of the site would be retained, and due to the terraced nature of the garden, their rooting area is unlikely to be adversely affected. Nevertheless, this does not overcome or reduce the other harmful effects I have identified.
8. I therefore conclude, on this issue, that the development would be harmful to the character and appearance of the surrounding area. This is contrary to Policies DS1 and DS3 of the Bradford Core Strategy 2017 (the CS). Together, these policies seek development that is appropriate to the local context and responds to distinctive features and the existing positive patterns of development which contribute to the character of the area. It is also contrary to paragraph 135 of the Framework where it seeks developments that are sympathetic to local character and add to the overall quality of the area.

Parking

9. The proposal shows the creation of two off-street parking spaces at the front of the site. Whilst this would be sufficient to meet the parking needs of the proposed dwelling, it would result in the permanent loss of one of the existing garages for No 24, leaving that dwelling with insufficient off-street parking opportunity. I recognise that garages are not always used for parking, and in this case, the garage is also in a poor condition. Nevertheless, there is little before me which demonstrates that it is beyond restoration or impractical to function as an off-street parking space should current or future occupants choose to use it as such.
10. The appellant suggests that there are further parking opportunities at the rear of the property which can be accessed from a private lane. However, ownership and rights of access are unclear, and it seemed to me that at least one of the areas identified was not suitable for parking. In any event, given the distance to those areas and the steep gradient involved (including steps), I do not

consider that this arrangement would represent a satisfactory alternative, particularly for persons with impaired mobility, or those carrying shopping, or moving young children in prams.

11. I have considered whether additional parking could be accommodated on the street. However, the comments from local residents indicate to me that Malvern Crescent suffers from significant parking issues. Indeed, at the time of my site visit there were vehicles parked all along one side of the road, which considerably narrowed the width of the road and made it very difficult for opposing oncoming vehicles to pass. There were also vehicles parked within the turning head, making it very difficult to turn around at the end of this tight cul-de-sac. Patently, these problems would be even more acute for larger vehicles like refuse and delivery trucks.
12. I therefore conclude, on this issue, that the proposal would not make suitable provision for parking, with the potential to add to parking stress and inconvenience to other residents and road users. This is contrary to the design-led approach to parking provision in CS Policies DS4 and TR2.

Biodiversity, including the integrity of designated nature conservation sites

13. The South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) are European Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations) for their bird species.
14. Because the proposal would be within the zone of influence of these designated nature conservation sites, the proposal has the potential to affect their features of interest. In combination with other development projects, it would be liable to lead to recreational disturbance and so have a detrimental impact on the bird species and their habitat. There would therefore be a likely significant effect on the SPA and SAC.
15. Policy SC8 of the CS states that one form of potential mitigation for the impact could be a financial contribution towards various habitat and access management measures to preserve the integrity of the SPA and SAC. However, this would need to be secured through a completed planning obligation.
16. In their appeal statement, the Council indicates that a financial contribution 'has been covered', but no details of the amount and its method of calculation have been provided. Nor is there any completed planning obligation before me. The appellant has not provided any further information to assist on the matter. This is not something which can be left to a later stage. In these circumstances, there is no certainty that the development proposal would not prejudice the integrity of the SPA and SAC, contrary to requirements of the Habitat Regulations, as well as CS Policies SC8 and EN2, and Chapter 15 of the Framework.
17. In addition, the removal of trees and other vegetation from the site has the potential to impact on biodiversity in and around the site. However, no ecological evidence has been submitted to demonstrate that no harm would arise to biodiversity or that appropriate mitigation and an overall net gain in biodiversity could be achieved at the site. It would not be appropriate to seek to address this issue by planning condition until such potential effects are identified. Therefore, in the absence of sufficient evidence to the contrary, it is

appropriate to take a precautionary approach and find that the proposal could harm biodiversity in and around the site. Thus, further conflict arises with CS Policy EN2 in this regard.

Other Matters

18. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites, and the latest HDT results indicate that delivery has been below requirements. However, my findings relating to the integrity of the SPA and SAC provides a clear reason for refusing the development proposed in accordance with paragraph 11d) i. and Footnote 7 of the Framework. Consequently, the presumption in favour of sustainable development is disapplied in this case.
19. Nevertheless, the provision of a new dwelling would support the Government's objective of significantly boosting the supply of homes. As the site is a small one the development could be delivered quickly. There would also be some social and economic benefits associated with the construction and occupation of the dwelling. Commensurate with the small scale of the development, these benefits weigh moderately in the scheme's favour.

Conclusion

20. Although the proposal would bring with it some moderate benefits in the form of providing a new home, it gives rise to significant conflict with the requirements of the development plan relating to character and appearance, parking and biodiversity/integrity of designated nature conservation sites. As such, the proposal conflicts with the development plan as a whole. There are no material considerations, including the Framework, which indicate that planning permission should be granted for the development which is in conflict with the development plan. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR