



Appeal Decision

Site visit made on 12 February 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2024

Appeal Ref: APP/W4705/W/23/3333886

38 Shetcliffe Lane, Bradford BD4 9RH

- 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 Karl Dickenson against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/01669/FUL, dated 11 May 2023, was refused by notice dated 5 September 2023.
 - The development is proposed demolition of detached garage and construction of one detached dwelling with off street parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. In relation to this appeal the relevant parts of the Framework are similar. Consequently, I have not gone back to the parties for comments. Whilst I have had regard to the Framework in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - The effect of the proposed dwelling on the living conditions of the occupants of 38 Shetcliffe Lane, with particular reference to outlook, and daylight;
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space; and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

4. The appeal site comprises an area of hardstanding with a garage. The site is enclosed by a boundary wall, with railings and solid panels above, and a gate.

This part of Shetcliffe Lane is primarily characterised by terraced properties situated within small plots which face towards the highway and do not benefit from off-street parking. In contrast, No 38 is set back from Shetcliffe Lane and is a detached dwelling with its front elevation facing the adjacent lane. No 38's plot is larger than nearby plots which reflects the size of the dwelling.

5. The scheme would result in a detached, two-storey dwelling with off-street parking and small areas of private amenity space. The front elevation would face towards the lane, with the side elevation adjacent to Shetcliffe Lane.
6. The orientation of the dwelling would reflect that of No 38 but it would have a poor relationship with the nearby terraced dwellings which face Shetcliffe Lane. As a result of the scale, massing, and siting of the dwelling in relation to the size of the plot, the dwelling would appear cramped and would be at odds with the pattern of development of the area. The cramped form of development, which would be apparent from public vantage points, would not be a positive addition to the area. Consequently, the development would be poorly designed and would not reflect the character and appearance of the area.
7. For the reasons given above, the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies P1, DS3, DS5 and HO9 of the Local Plan for the Bradford District: Core Strategy Development Plan Document (2017) (CS). These seek, amongst other things, to ensure development proposals achieve high quality and good design which are appropriate to their context, and create or reinforce a distinctive character. It would also conflict with paragraph 135 of the Framework which states developments should be sympathetic to local character.

Living conditions- existing neighbours

8. The dwelling has been designed to minimise adverse effects on residential amenity. There would be a limited gap between the proposed dwelling and No 38. No 38's front elevation is orientated towards the lane with the side elevation adjacent to the appeal site. The side elevation contains windows which would face towards the proposed dwelling.
9. Based on the information presented and given the limited distance between the proposed dwelling and No 38, as well as the positioning of No 38's windows, and orientation of the sun, the proposal would have an overbearing effect on the outlook of these windows and would result in a loss of light. As a result of the proposed dwelling's siting, scale and massing in relation to the siting of No 38, the scheme would cause unacceptable overshadowing and would be a dominant addition when viewed from No 38's side elevation windows, and occupiers would feel hemmed in.
10. Whilst the current occupiers of No 38 do not object to the proposal, the role of the planning system is to consider the effects of development on both the current and any prospective future occupiers. This consideration does not outweigh the harm I have found.
11. For the reasons given above, the proposed development would have an unacceptable effect on the living conditions of the occupants of No 38, with particular reference to outlook, and daylight. Consequently, it would conflict with Policies P1, DS3, DS5 and HO9 of the CS. These collectively seek, amongst other things, to ensure development proposals achieve high quality

and good design which is appropriate to their context and do not harm the amenity of existing residents. It would also conflict with paragraph 135 of the Framework which states developments should create places with a high standard of amenity for existing and future users.

Living conditions- future occupants

12. The scheme proposes two areas of amenity space, to the front and side of the dwelling. The area of amenity space to the side of the dwelling would be adjacent to Shetcliffe Lane and adjacent to the shown vehicle manoeuvring area. The area of amenity space to the front would be adjacent to the parking spaces.
13. The spaces would be small and disjointed which would be of poor quality, and inadequate for a family sized dwelling. They would not be of a size and configuration which would provide a flexible outdoor area, including sufficient space for recreation and hanging washing. The amenity space areas would be overlooked by some of the neighbouring properties, but not to a harmful extent in an urban area such as this.
14. Future occupiers would be aware of the size of the private amenity space. Furthermore, there are areas of public open space within walking distance. I also recognise that some people prefer smaller gardens, and the development would provide acceptable internal space. However, these considerations do not compensate for the inadequate provision proposed.
15. For these reasons, the proposed development would provide unacceptable living conditions for future occupants, with regard to the provision of private amenity space. Consequently, it would conflict with Policies P1, DS1 and HO9 of the CS. These seek, amongst other things, to ensure new housing is designed to create high quality housing and achieve good design. It would also conflict with paragraph 135 of the Framework which states developments should create places with a high standard of amenity for future users.

Highway safety

16. Shetcliffe Lane has a 20mph speed limit and traffic calming measures, including speed bumps. These factors, as well as parked vehicles, results in vehicles generally travelling at a relatively low speed. Shetcliffe Lane also benefits from footways to either side of the road and street lighting.
17. The existing access point to the site is located centrally whereas the proposed access point would be adjacent to the lane. Given the existing large area of hardstanding, currently there is adequate space for vehicles to manoeuvre within the site to easily enter and leave in a forward gear.
18. Two tandem parking spaces are proposed for the new dwelling. The drawing shows that there would be extremely limited manoeuvring space within the site due to the constrained nature of the site and location of the amenity space and bin store areas. Thus, it would be awkward to manoeuvre within the site to access these parking spaces. It is therefore likely that future occupiers would manoeuvre within Shetcliffe Lane as it would be difficult to enter and leave the site in a forward gear.
19. Two further parking spaces are proposed which would be accessed via the shared access lane. The evidence before me indicates that the lane is regularly

used for parking by neighbouring residents. The drawing does not show how vehicles would enter and leave these spaces. Whilst vehicles can access this lane, No 38 does not currently have direct access to the lane. Given the space available it would also be awkward to enter and leave these parking spaces in a forward gear. Furthermore, the visibility of Shetcliffe Lane is restricted from the access lane as a result of the siting of 56 Shetcliffe Lane, which directly fronts onto the pavement.

20. Many of the nearby terraces do not benefit from off-street parking so vehicles are parked along this part of Shetcliffe Lane. This results in reduced visibility and width of the highway and could result in manoeuvring into the proposed parking spaces more difficult. The reduced visibility also makes it more difficult to see oncoming vehicles, cyclists, and pedestrians. Furthermore, Shetcliffe Lane provides access to the A650 and nearby industrial premises. I observed on my site visit, which I acknowledge is a snapshot in time, that Shetcliffe Lane is well used, and is used by large vehicles such as lorries.
21. For the reasons given above, whilst the development would not result in a significant increase in vehicle movement, the appellant has not adequately demonstrated that the development would provide safe and suitable access and parking arrangements. The existing parking arrangements cannot be directly compared to the proposed parking spaces, in terms of space to manoeuvre, location of access points, and visibility.
22. There is no robust evidence to suggest that there have been accidents along this part of Shetcliffe Lane. In addition, the site benefits from good accessibility to public transport and there are local services within walking distance. However, these considerations do not outweigh my findings above.
23. Thus, based on the information submitted, the proposed development would have an unacceptable impact on highway safety. Consequently, it would conflict with Policies P1 and DS4 of the CS. These collectively seek, amongst other things, to ensure a design led approach to car parking is taken so that it supports the street scene and pedestrian environment whilst also being convenient. It would also conflict with paragraph 115 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

24. The Council concede that they cannot demonstrate a five year housing land supply. The development would result in one dwelling and therefore would result in a very limited contribution to housing land supply. The development would also provide social, economic, and environmental benefits. These weigh in favour of the proposal, but given the small scale of the development I give these benefits very limited weight.
25. The appellant highlights a range of other matters. These include that the development would comply with various parts of the Framework and local planning policy, the proposal would make efficient use of land in a sustainable area, and interested parties have not objected to the proposal at appeal stage. However, the other matters highlighted would not outweigh the harm I have found above and are neutral considerations.

Planning Balance and Conclusion

26. Having regard to the conflicts identified above, I conclude that the proposal is contrary to the CS, as a whole. Given the absence of a 5 year supply of housing land, paragraph 11(d)(ii) is engaged.
27. Weight may still be afforded to policies depending on their consistency with the Framework. The most relevant policies are consistent with the aims of the Framework regarding the need to achieve well-designed places, ensure developments are sympathetic to local character, create places with a high standard of amenity for existing and future users, and ensuring development has an acceptable impact on highway safety. There is nothing within the Framework to suggest that those requirements of all development should be lessened on account of the shortfall in housing supply. In that context, I attach significant weight to the conflict with the development plan.
28. In considering paragraph 11(d)(ii) of the Framework, I must determine whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
29. For the reasons given above, the proposed development would be visually harmful to the character and appearance of the surrounding area, would not provide acceptable living conditions for existing and future occupants, and would have an unacceptable impact on highway safety. The benefits associated with the appeal scheme carry very limited weight. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
30. The proposal would be contrary to Policies P1, DS1, DS3, DS4, DS5 and HO9 of the CS and I afford this conflict, with the relevant policies of the development plan, significant weight.
31. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR