



Appeal Decision

Site visit made on 8 April 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/W4705/W/24/3336649

49 Western Avenue, Riddlesden, Keighley, Bradford BD20 5DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr U Kashif against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref is 23/03327/FUL.
 - The development proposed is detached dwelling to the side garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Both parties, within their respective submissions had an opportunity to comment on the revised Framework. Additionally, the 2022 Housing Delivery Test (HDT) results were published on 19 December 2023 and both parties were invited to provide additional comments on the latest HDT results. My decision reflects the revised Framework and HDT results.
3. Two revised plans have been submitted with the appeal. These plans do not alter the appeal proposal from that considered by the Council, but do include additional details annotating the ridge height of the proposed dwelling, as well as a line showing a 45° angle from the rear corner of a neighbouring property. Interested parties have had an opportunity to review and make comments on these additional drawings. As such, I do not consider that the Council, or other parties, would be prejudiced by my acceptance and consideration of these revised drawings as part of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - the effect of the proposal on the living conditions of the occupiers of Nos. 47 and 49 Western Avenue, with regard to outlook, daylight and sunlight; and
 - The effect of the proposal on highway safety, with regard to the adequacy of parking provision.

Reasons

Character and appearance

5. The appeal relates to the side garden area of the semi-detached dwelling at 49 Western Avenue (No. 49). Due to the steep sloping topography of the area the ground floor levels of the properties on the south side of Western Avenue, which includes the appeal site, are situated below street-level, with the first floors being at street level. To the rear of these dwellings the garden areas continue to slope steeply down away from street level towards the properties on Coles Way, which are set significantly below Western Avenue. The dwellings on the opposite (north) side of Western Avenue are however set above street level, albeit set back from the highway so as not to dominate the street scene.
6. The properties on the southern side of Western Avenue are predominantly semi-detached dwellings with a traditional hipped roof design. The setting of the properties below street level is a defining characteristic of the streetscene and due to their relatively close proximity to the highway results in the first floors, and roofs, of these properties being highly prominent features on the street.
7. The appeal site itself represents a gap between the dwellings at Nos. 49 and 47 Western Avenue (No. 47), and affords visual relief from the built development along this street, as well as providing distant views of the attractive hilly landscape to the south. As such, the existing gap provided by the appeal site currently makes a positive contribution to the appearance of the street scene.
8. The proposed detached dwelling would be substantial in size and would infill this existing gap. The side elevation of the proposed dwelling would be situated relatively close to the side elevation of the property at No.49 and even closer to the side elevation of the detached garage of No.47, which is located at street level. The siting of such a large, detached dwelling so close to the existing buildings either side would result in a cramped development that reads as squeezed into the site and fails to respect the surrounding pattern of built form.
9. In coming to this view, I acknowledge that the gap between the proposed dwelling and No. 49 would not be wholly dissimilar to existing gaps between some properties elsewhere on this side of Western Avenue. However, where these similar sized gaps currently exist it is generally resulting from subordinate side extensions which are either set back from the front elevation of the property and / or below the main ridge height of the dwelling, and therefore this reduces the visual impact on these properties, and the gaps, on the street. As such these existing relationships are not directly comparable to the appeal proposal which proposes a larger and more visually dominant dwelling close to the adjacent buildings either side.
10. The proposed dwelling would also have a ridge height that exceeds the neighbouring property at No. 49, a front dormer and a forward projecting element at first floor level which would be close to the property at No. 49. These features only add to the amount of built development on the site, exacerbating the cramped nature of the development when viewed in relation to the buildings either side.

11. Additionally, the height and design of the proposed hipped roof, with its short ridge and front dormer, would be at odds with the more traditional hipped roof designs found on the semi-detached properties either side and would represent visually dominant features at roof level, which as mentioned earlier are prominently viewed on this side of the street.
12. Furthermore, whilst the main section of the proposed dwelling would respect the existing building line on the southern side of Western Avenue, the modern and highly glazed forward projecting two storey front feature, which breaks the eaves line of the proposed dwelling, as well as the integral garage at first floor level, would also be prominent features on the proposed dwelling and street.
13. These elements of the appeal proposal would represent alien features that are not reflected on other properties on this side of Western Avenue, within which the appeal property would be viewed. Consequently, the form, bulk and scale of the proposed dwelling, and its overall design, would not be sensitive to the defining characteristics of the properties on this side of the highway, would appear prominent and incongruous when viewed from the road frontage and would look harmfully out of place, to the detriment of the character and appearance of the area.
14. I acknowledge that Nos. 53 and 57 Western Avenue both have modest front extensions, however I have not been provided with the planning history of those extensions. Nevertheless, as a result of their size, shape and form these nearby front extensions have a more traditional design, and are therefore not as visually prominent on the street, in comparison to the modern front projecting feature on the proposed dwelling. I also note that No. 51 has a detached garage situated to the front of the property at street level. However, again I have not been provided with any details of the planning history of that garage, and given its detached nature, flat roof design and reduced scale, I do not consider it to be directly comparable to the appeal proposal.
15. I appreciate that the dwellings on the opposite side of Western Avenue vary in design and style. However, due to the aforementioned position of those dwellings, set high above street level and set back from the highway, they are not viewed in the same context as the more traditionally designed dwellings on the appeal site's side of Western Avenue, within which the proposed dwelling would be more readily observed.
16. I also note that the Council raised a concern in respect of the proposed materials to be used on the external finish of the proposed dwelling. However, the appellant has expressed a willingness to alter the proposed materials if required and this matter could have been addressed via a suitably worded planning condition in the event I were to allow the appeal.
17. Overall, I conclude that the proposed dwelling would appear cramped, harmfully out of place and would have a detrimental impact upon the character and appearance of the surrounding area. The proposal is therefore contrary to the objectives of Policies HO9, DS1 and DS3 of the Local Plan for the Bradford District Core Strategy Development Plan Document (2017) (CSDPD). These policies together seek to ensure, amongst other things, that new developments be high quality and achieve good design; create attractive streetscapes; display architectural quality and contribute positively to skylines through the roofscape of new development.

18. The proposal would also be contrary to the Framework where it seeks to ensure that development is sympathetic to local character, including the surrounding built environment and maintains a strong sense of place, using spaces to create attractive places.
19. I note the reason for refusal in relation to character and appearance refers to the Council's Homes and Neighbourhoods Supplementary Planning Document (2020) (SPD). However, the Council's submissions do not draw my attention to any specific section of the SPD to which the appeal proposal would be in conflict with, nor has the appellant provided details of how this SPD lends any support for the appeal scheme. As such, this SPD has not been determinative in my consideration of the appeal proposal's impact upon the character and appearance of the area.

Living conditions of neighbouring occupiers

20. No. 47 is located to the southwest of the appeal site and has a detached outbuilding, which is two storey high when viewed from the rear, close to the boundary with the appeal site. To the rear this outbuilding includes a conservatory at lower ground floor level. The main dwelling of No.47 includes windows in its rear elevation at ground and first floor level.
21. As mentioned earlier the proposed dwelling would be situated close to this neighbouring outbuilding, and as a result of its long rearward projection, which includes a pitched roof and gable elevation, with additional accommodation in the roof space, it would have a substantial three-storey profile when viewed from the rear.
22. This substantial three storey rear projecting element of the appeal proposal, sited so close to the boundary, would result in a significantly oppressive and overbearing impact for the occupiers of No. 47 when viewed from the windows in the rear elevation, the conservatory to the rear of the outbuilding and their rear garden area.
23. Additionally, as a result of the orientation of the proposed dwelling in relation to No. 47, it is reasonable to conclude that lower levels of sunlight and daylight would reach the rear windows and conservatory to the rear of this neighbouring property in the afternoon and evening, and there would also be overshadowing of the rear garden area at these times. This would likely be at a level which would be harmful to the living conditions of the occupiers of No. 47.
24. I note that the appellant has submitted an updated plan to demonstrate that the projection at the rear of the proposed dwelling would adhere to a 45° angle when drawn from the rear corner of No. 47. However, I have not been advised of any guidance relating to a 45° angle being the acceptable measure of a proposal's impact upon the living conditions of a neighbouring occupier.
25. Furthermore, the 45° angle does take into account the impact arising from the substantial height and massing of the proposed three storey gable element to the rear of the appeal property on the windows in the rear of No.47. Nor does it take into account the impact upon the existing conservatory or rear garden area of this neighbouring property.
26. The appellant also states that No. 47's existing detached garage and conservatory provide screening from the proposed dwelling. However, the proposed dwelling would be considerably higher and larger than the existing

garage and conservatory, and therefore would be visible from the rear windows and rear garden area of No. 47 above these existing structures. As such, the existing garage and conservatory would not fully screen the proposed dwelling from the rear of No.47.

27. In respect of the occupiers of No. 49, this property currently has a side conservatory which would be removed to facilitate the proposed dwelling. The conservatory is accessed via a set of glazed patio doors in the side elevation of the dwelling and the proposal would be sited close to this opening. As a result of its siting and scale the proposed dwelling would have some impact on the outlook when viewed from the room served by these doors, and result in some overshadowing through a reduction in levels of both sunlight and daylight.
28. However, I observed on my site visit that the habitable room which these side patio doors serve also contains a large bay window in the rear elevation of the dwelling. This bay window would not be unduly impacted by the proposed dwelling and thus would continue to provide this habitable room with sufficient levels of light and an acceptable outlook. As such, the proposed dwelling would not give rise to a loss of outlook, daylight or sunlight to an extent that there would be a harmful impact on the living conditions of the occupiers of No. 49.
29. In view of all the above, the appeal proposal would not have an adverse impact upon the living conditions of the occupiers at No. 49 Western Avenue. However, I conclude that the proposal would result in harm to the living conditions of the occupiers of No. 47 Western Avenue by way of overbearing impact, and loss of outlook, sunlight and daylight, when viewed from the windows in the rear elevation of this dwelling, its rear conservatory and rear garden area. For these reasons the proposed development would be in conflict with Policy DS5 of the CSDPD insofar as it seeks to ensure, amongst other things, that proposals make a positive contribution to people's lives through high quality design which does not harm the amenity of existing residents.
30. Furthermore, the proposal is also considered to be contrary to paragraph 135(f) of the Framework which seeks to ensure developments provide a high standard of amenity for existing users.
31. The Council's reason for refusal in relation to the impact of the appeal proposal on the living conditions of neighbouring occupiers makes reference to the SPD. However, again the Council's submissions do not draw my attention to any specific section of the SPD to which the appeal proposal would be in conflict with, nor has the appellant provided details of how this SPD lends support for the appeal scheme. As such, this SPD has not been determinative in my consideration of matters relating to the living conditions of neighbouring occupiers.

Car parking and highway safety

32. The Council's submissions states that the proposal would provide insufficient off-street parking provision for the existing dwelling at No. 49, which in turn would lead to additional on-street parking pressure in an area which already suffers from parking issues, to the detriment of highway safety. I also note several interested parties have also commented on the existing on-street parking issues on this street.

33. I have not been provided with a parking survey to demonstrate whether or not there is capacity for additional on-street parking on Western Avenue, and therefore I have made my own assessment on this issue based on my site visit.
34. At the time of my site visit, I noted that a significant number of cars were parked on both sides of this street, however there were a small number of parking spaces available on the highway. I also observed a number of cars on the south side of Western Avenue parked in such a way as to significantly overhang the footway, which could hamper pedestrian movement, especially those with buggies or a disability. Furthermore, the parking of vehicles on both sides of the street leads to a reduction in the carriageway width along Western Avenue.
35. Whilst I appreciate that my site visit was a single snapshot in time, and parking levels may fluctuate at different times during the day, as mentioned earlier I have been provided with no evidence to demonstrate that there is additional on-street parking capacity in this area. Furthermore, my site visit was conducted on a weekday during the daytime, when people are more likely to be away from home, and therefore on-street parking in an evening could be even more restricted.
36. As such, based on my observations on site I conclude that demand for on-street parking on Western Avenue is high and a proposal that increases this demand could impact upon highway safety by way of negatively impacting upon the pedestrian environment and restricting vehicle movements.
37. Policy TR2 of the CSDPD states that new development will be assessed against the parking standards contained within Appendix 4 of this document. Appendix 4 details that new dwellings outside of city or town centres, such as the appeal site, should provide an average of 1.5 no. car parking spaces per unit.
38. I acknowledge the parking provision for the new proposed dwelling is not specifically raised as an issue by the Council. However, in the interest of clarity and in response to concerns raised by interested parties, the submitted plans, and appellant's submission, state that the proposed new dwelling would be provided with 3 no. car parking spaces to the front of the dwelling. Furthermore, there is also provision for an additional car to park within the proposed integral garage. As such, the new dwelling would be provided with sufficient off-street parking provision in accordance with Policy TR2 of the CSDPD.
39. The appeal proposal would however only provide one off-street parking space for the existing dwelling at No. 49 and this falls below the standards outlined within CSDPD Policy TR2. The failure of the appeal proposal to provide an acceptable level of off-street parking provision for the dwelling at No. 49 has the potential to result in an increase in demand for on-street parking in an area that, from my observations on site, already suffers from high levels of on-street parking.
40. This prospective increase in demand for on-street parking would likely result in additional vehicles parked in such a way as to overhang the footway, hampering pedestrian movement in this area. Furthermore, it would also increase the likelihood of vehicles parking opposite one and other on both sides of highway, leading to a reduction in the carriageway width for longer sections along Western Avenue, making it more difficult for two vehicles to safely pass when traveling on opposite sides of the road. The likely increase in demand for on-street parking would therefore be to the detriment of highway safety in this area.

41. To overcome this matter, the appellant has stated that they would be willing to accept a condition requiring one of the off-street car parking spaces being provided directly in front of the proposed new dwelling to be allocated for the parking of a vehicle belonging to the occupants of No. 49.
42. An arrangement whereby the occupants of No. 49 park a vehicle directly in front of the proposed new dwelling would result in a significant loss of privacy, and unacceptable levels of disturbance, for the future occupiers of the proposed dwelling when these neighbouring occupiers' access and exit their vehicle on a frequent basis. Therefore, the imposition of this suggested condition would result in unacceptable living conditions for future occupiers of the proposed dwelling, and thus is unreasonable and would not meet the six tests for conditions as detailed within the Framework.
43. Furthermore, by providing a widened vehicular access to accommodate the 3no. car parking spaces to the front of the proposed dwelling, and a new vehicular access for the existing dwelling at No. 49, the submitted plans annotate that the existing dropped kerb would need to be extended and a new dropped kerb installed. These associated developments would reduce the existing space available for on-street parking on Western Avenue, and therefore only exacerbates my concerns in respect of the potential impact of the appeal proposal on the existing on-street parking situation.
44. In light of the above, I conclude that the proposal would not provide adequate off-street parking provision for the existing dwelling at No. 49 Western Avenue, and this would likely increase demand for on-street parking. No evidence has been provided to demonstrate that this increase in demand can be met in this area. The proposal would therefore likely result in additional cars parking on-street which would have a detrimental impact upon highway safety for road users and pedestrians in an area which already appears to suffer from on-street parking issues. The proposal is therefore contrary to Policies TR2 and DS4 of the CSDPD, which seek, amongst other things, to manage car parking in accordance with the car parking standards; and take a design led approach to car parking so that it supports the street scene and pedestrian environment.
45. The proposal also conflicts with paragraph 115 of the Framework where it states that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

46. I note an interested party has commented that limited information has been provided as to how the existing property at No. 49 would be accessed by pedestrians, and how the new parking space for this property would be constructed. These matters could have been dealt with by a suitably worded planning condition should I have been minded to allow the appeal.
47. The site is within zones of influence B (2.5km) and C (7km) of the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC). These are European Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) for their ecological importance in supporting bird populations.
48. The Council's South Pennine Moors SPA / SAC Planning Framework Supplementary Planning Document states that residential developments within

the 0-7km zones of influence are likely to have a significant effect on the SPA and SAC in terms of increased recreation use, either alone or in combination with other proposals.

49. Had I been minded to allow the appeal I would have carried out an appropriate assessment (AA) of the effect of the proposal on the integrity of the SPA and SAC. However, as the proposed development is unacceptable for other reasons, an AA is unnecessary as doing so would not change the outcome of the appeal.

Planning Balance and Conclusion

50. The most recently published HDT results indicate that the Council's delivery of housing was below 75% of the housing requirement over the previous three years, and consequently paragraph 11(d) of the Framework applies.
51. Paragraph 11(d) of the Framework indicates that where the requisite housing land supply does not exist, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
52. Paragraph 60 of the Framework refers to significantly boosting the supply of housing provision and the delivery of one additional dwelling in a sustainable location is a social benefit arising from this proposal, as well as positively contributing to the Council's housing land supply, albeit the benefits of a single dwelling would be very modest. Limited economic benefits would also likely arise from employment during the construction works, and occupation of the proposed dwelling through additional expenditure in the area.
53. However, the proposal would give rise to significant harm to the living conditions of the neighbouring occupiers at No. 47 Western Avenue, as well as having a detrimental impact upon the character and appearance of the area and negatively impacting highway safety by way of increasing demand for on-street parking in this area. I conclude that the totality of harm arising from the proposal would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.
54. The proposal conflicts with the development plan taken as a whole and there are no material considerations to justify a decision otherwise than in accordance with the development plan. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R Major

INSPECTOR