



Appeal Decision

Site visit made on 23 July 2024

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2024

Appeal Ref: APP/W4705/W/24/3343927

Land adjacent to 79 Bradford Road, Idle, Bradford BD10 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Joe Moon against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 23/03797/OUT.
 - The development proposed is the erection of a detached dwelling with associated off-street parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling with associated off-street parking and amenity space at land adjacent to 79 Bradford Road, Idle, Bradford BD10 9LB in accordance with the terms of the application, Ref 23/03797/OUT, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. The planning application was for outline planning permission with all matters reserved. The appellant's appeal statement confirms that the submitted elevations and site plan are for illustrative purposes only. I have determined the appeal on this basis.

Main Issues

3. The main issues relevant to this appeal are the effect of the proposed development on:
 - the character and appearance of the area;
 - the protected tree;
 - highway safety in Back Cavendish Road with regards to the proposed parking and turning arrangements.

Reasons

Character and appearance

4. The appeal site is located immediately to the south of 79 Bradford Road, Idle, which is in a predominantly residential area. The appeal site is a triangular-shaped parcel of undeveloped rough grassland. The site is occupied by a single mature tree, which is protected by a Tree Preservation Order.

5. Immediately north of the appeal site is a traditional terrace with commercial units on the ground floor and residential units above. To the east and south are two and three storey terraces. On the west side of Bradford Road, opposite the appeal site are 2 storey properties in Runnymede Court, which are arranged around a carpark. A covered bus stop is situated along the western edge of the appeal site. A public footpath runs along the northern boundary, connecting Bradford Road to Back Cavendish Road.
6. The absence of built form on the appeal site is noted. However, the land parcel of rough grassland does not make a strong contribution towards the visual character and recreational value of the area. This parcel of residual land is at the intersection of terraces and roads, forming a break in the building line bordering Bradford Road. Distinct from planned and designed public open space, the appeal site differs from other land parcels in the immediate locality, which I observed are more commonly positioned at junctions forming a conclusion to the end of a street and which, therefore, make a stronger contribution to the recreational and visual value of the street scene.
7. Whilst all matters are reserved, there is nothing to suggest that the proposed development could not assimilate well with the settlement, rather the illustrative plans persuade me that development of the site, as proposed, is feasible. Subject to securing an appropriate design and material palette, the proposed development would respect residential amenity and separation distances, be visually well related to the built form of the settlement and would positively contribute to the spatial quality of the area. It would represent infill development that is commensurate to its size, scale, form, and function.
8. The protected tree occupying the site has presence in the street scene and positively contributes to the character and appearance of the area. Based on the evidence before me, including the illustrative layout, together with my observations of the tree canopy on site, I have no reason to believe that the tree would need to be felled to facilitate the proposed development. The provision of appropriate arboricultural information and tree protection measures could be reserved by condition to any consent granted to ensure the retention of this important tree.
9. For these reasons, I conclude that the proposal would not harm the character and appearance of the area. Consequently, the proposed development would be in accordance with Core Strategy (2017)(CS) policy DS1 which states that development proposals should be informed by a good understanding of the site, area and its context and contribute to achieving good design and high-quality places; policy DS2 which requires development proposals to take advantage of existing features, integrate development into the wider landscape and create new quality spaces; policy SC9 which sets out requirements to ensure that development proposals take advantage of existing features, integrate development into the wider landscape and create quality spaces; policy DS3 which seeks to ensure that new developments are appropriate to their context and create or reinforce a distinctive character with attractive streetscapes and buildings; and with policy EN5 of the CS, which seeks to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the District.

Highway Safety

10. With regards to matters of highway safety, specifically concerning the proposed turning and parking arrangements and whether they can be realistically implemented, these matters would be addressed at reserved matters stage. Notwithstanding the narrow width and cobbled surface, Back Cavendish Road presently provides vehicular access leading to private parking serving the terraces which border the appeal site and for refuse collection- I observed a full-sized refuse vehicle reversing along this access road. Given the evidence at hand and without any technical evidence to the contrary, I see no reason to believe anything other than that the layout and access associated with just one additional dwelling would be feasible in actual operation and the associated vehicle movements would be accommodated without harm.
11. As such, I conclude that the proposed development would not cause harm to highway safety. Therefore, it would accord with policy TR2 of the CS, which requires new developments to, among other things, take a design led approach to parking which is well integrated within the overall layout so that it supports the street scene and local character, and creates a safe and pleasant environment even in parking areas.
12. Furthermore, the proposed development would be in accordance with policy DS4 of the CS, which relates to streets and movement and requires development proposals to, in addition to other factors, take an approach to highway design which supports the overall character of the place, and a design led approach to car parking so that it supports the street scene and pedestrian environment whilst also being convenient and secure.

Other Matters

13. I have had regard to all representations. As this is an outline consent, the details of layout and appearance are still to be agreed by the Council in the future. From what I have seen on the illustrative layout and my site visit, a house could be accommodated retaining appropriate distances to neighbouring properties, ensuring no material harm to the living conditions of the future or neighbouring occupiers. As layout is to be considered in the future as part of a reserved matters application, matters relating to drainage would also be agreed in the future. The absence of harm in relation to matters including: residential amenity; drainage; and disruption during construction, are neutral matters weighing neither for, nor against, the proposal. Such matters are addressed in related conditions included in the schedule at the end of this decision.

Conditions

14. In the interests of necessity, precision and clarity I have edited or omitted some of the Council's suggested conditions. Condition (1) which relates to all reserved matters, is necessary to ensure compliance with Section 92 of the Town and Country Planning Act 1990. Condition (2&3) are the statutory time conditions in the interests of timeliness. Condition (4) is necessary to secure effective drainage and its maintenance, to prevent undue risk to the local environment and in the interests of maintaining public health and flood prevention. Condition (5) is required to safeguard and provide opportunities for creation of suitable habitat features that may be found to exist on site. Condition (6) is required in recognition of the high amenity value of the tree on

the site and to secure the implementation of adequate tree protection measures prior to the commencement of any development work on the site. Condition (7) is necessary to ensure that inconvenience from development during this stage is minimised and properly controlled, in the interests of pedestrian and vehicular safety and to secure the living conditions of surrounding occupiers.

15. Conditions have been requested relating to access, visibility splays, parking and construction management. The planning application was for outline planning permission with all matters reserved, including access. As such submitted plans were indicative only. In the interests of highway safety, such matters will be assessed at the reserved matters stage and conditioned as reasonable and necessary.

Conclusion

16. For the reasons above, having had regard to the development plan as well as the Framework as a whole and all other matters raised, I conclude that the appeal should be allowed.

N Kempton

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Development shall not commence until drainage works for foul and surface water shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 5) Before the development hereby approved is brought into use, 2no. Swift boxes and 2no. bat boxes shall be installed in ecologically suitable locations within the site, details of which shall be submitted to and approved in writing by the local planning authority and should thereafter be retained for the lifetime of the development.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard

BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 7) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:
- i. Full contact details of the site and project manager responsible for day-to-day management of the works
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding;
 - v. measures to control the emission of dust and dirt during construction;
 - vi. measures to reduce demolition and construction noise;
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii. delivery, demolition and construction working hours.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

END OF SCHEDULE OF CONDITIONS Appeal Ref: APP/W4705/W/24/3343927