
Appeal Decision

Site visit made on 28 August 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/W4705/W/24/3339999

Workshop adjacent to 22 Westfield Terrace, Undercliffe, Bradford BD2 4RJ

- 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 Naeem Sheikh against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/03859/FUL, dated 20 October 2023, was refused by notice dated 22 December 2023.
 - The development proposed is Dormer windows and extension to enable creation of dwelling unit on first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the workshop on the living conditions of future residential occupiers. The second is the effect of the proposal on pedestrian and highway safety.

Reasons

3. The appeal site currently hosts a single storey building with pitched roofs incorporating a roller shutter door. The building sits detached from and adjacent to an existing established terrace of dwellings. The proposal would see the existing building extended to add residential accommodation above and then form part of the existing terrace.

Living conditions

4. There is little information on the existing use of the garage. The Council suggest that the planning history includes a refused application in 1995 for a certificate of lawfulness for amongst other things existing use of the workshop for light metal work fabrication.
 5. The existing floorplan identifies the existing building comprising a garage, with that space being labelled as a workshop on the proposed plans. Although only a snapshot in time, at the time of my visit, the building contained cars and tools. What appeared to be crash damaged vehicles were parked around the building.
 6. It is likely that should work on vehicles take place at the site, this would involve some degree of noise, and this would be likely to have a detrimental impact on the living conditions of future occupiers in the dwelling on the floor above, given their co-location within the same building.
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7. I have been provided with some details of floor and ceiling insulation. However, in the absence of detailed information on the type of noise which this building feature would seek to address and a professionally prepared noise report, I cannot be certain that the scheme before me would achieve a satisfactory result.
8. There appears to be a suggestion that the workshop would be used on an ancillary basis to the dwelling to be created above. However, the scheme includes the provision of multiple bedrooms so different occupiers may be affected by noise even considering use on an ancillary basis. Even were it the case that ancillary use could mitigate the problems identified, I am not convinced that there would be any mechanism available to me to ensure that this would be the case.
9. I cannot therefore rule out the case that the proposal would give rise to a position where future occupiers of the dwelling would be subject to substantial noise impacts that would cause significant harm to their living conditions.
10. The proposal would therefore conflict with policy DS5 of the Bradford District Core Strategy Development Plan Document (2017) which amongst other things states that development proposals should make a positive contribution to people's lives through high quality, inclusive design and not harm the amenity of prospective residents.

Pedestrian and highway safety

11. Westfield Terrace appears to be a reasonably quiet, largely residential road. There is nothing to indicate that the street is subject to large numbers of vehicle movements or fast moving vehicles or serves through traffic to any significant degree.
12. Therefore, even if no off street parking were available at the site and drivers of vehicles were to have to manoeuvre within the street for a parking space, this would be very unlikely to have any significant adverse impact on pedestrian and highway safety.

Other Matters

13. There would be economic and social benefits associated with the scheme. The property would make a contribution to housing supply and there would likely to some local spend during and after construction. However, due to the small scale of the scheme, these benefits can only be afforded very limited weight.

Planning Balance and Conclusion

14. The benefits of the scheme do not outweigh the adverse impacts of the proposal. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan with which the proposal would conflict. I therefore conclude that the appeal should be dismissed.

T Burnham

INSPECTOR