



Appeal Decision

Site visit made on 20 November 2024

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/W4705/W/24/3352856

Garage Workshops, Rear of Jesmond Grove, Bradford BD9 5DA

- 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 Mohammed Wahid against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/01635/FUL.
 - The development proposed is described as replacement garage/workshop.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form states that the development has already commenced. At my site visit I observed that the works were not very advanced, with only the steel framework in place, and the existing building was still present. I have therefore considered the appeal on the basis of the submitted plans.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of neighbouring occupiers with particular regard to noise and outlook; and
 - highway safety and convenience.

Reasons

Character and appearance

4. The appeal site lies at the end of a narrow back lane in an area of mixed development. To the west, on Toller Lane, is a traditional stone-built terrace, albeit much altered at the rear and with some ground floor shops towards the end of the terrace. To the east is more modern semi-detached housing on Jesmond Grove. To the north is a large disused dwelling.
5. The site currently hosts a flat roof building constructed of profile sheeting and pebble dashed render sides. In its current disused condition, it does not contribute positively to the area. That said, the limited overall height ensures a subordinate scale of development broadly reflective of other outbuildings in the

vicinity. Furthermore, the building is set back within the site, which together with its low profile, gives it limited prominence in views down the lane.

6. The replacement building would be of a significantly larger scale and distinctly more industrialised in appearance, making it far more conspicuous in the context of the narrow lane and mostly residential surroundings. There would also be very little space between the building and the site boundaries, giving an impression of development which has been uncomfortably squeezed into the site. The overall result would be a development which appears unduly dominant and cramped in its plot. The colour of the cladding would make little difference in this regard.
7. Thus, notwithstanding the existing condition of the site, I find that the proposal would have an adverse visual effect on the site and its immediate surroundings. This is contrary to Policies SC9, DS1 and DS3 of the Bradford Core Strategy 2017 (the CS), which amongst other things, require that development proposals are appropriate to their context in terms of design, layout and scale, and take the opportunity to improve the character and quality of the area.

Living conditions

8. The appeal site is close to several residential properties including associated outdoor amenity spaces and gardens.
9. The appellant states that the proposal would operate in the same way as the existing building and not as an industrial unit. However, no clear information has been provided on the existing use at the site, other than it being described as a lock up garage and workshop. At the time of my site visit it was not in use. It also appeared to be self-contained and its own separate planning unit, rather than being ancillary to any residential use.
10. There is some mention in the representations of broken cars previously being brought to the site. The scale and design of the proposed building, with its open working space and large roller shutter doors, would likely be suitable for the repair and servicing of vehicles, but could also be put to other potentially noisy workshop uses which may pose a risk to the peaceful enjoyment of the surrounding residential properties.
11. In the absence of a noise survey and assessment which considers background noise levels and the activities that could be undertaken in association with any use of the proposed building, as well as details of possible mitigation measures, I cannot conclude that the development would not cause harm to the living conditions of the occupiers of immediately surrounding residential properties in respect of noise levels, including the character of any noise generated. This is not a matter which should be left to planning conditions.
12. The previous use of the site and presence of a limited number of commercial properties in the area does not obviate the need for the appellant to provide sufficient evidence to demonstrate that the proposed development would not cause unacceptable harm in noise and disturbance terms.
13. In addition, the proposed building would be taller and deeper than the existing building at the site. Given its scale and proximity to the site boundaries, it would undoubtedly have an oppressive and unduly enclosing effect on the rear ground floor outlook and gardens of 7 and 9 Jesmond Grove which lie to the

south and east. This would be the case irrespective of whether No 9 is in the appellant's ownership, as occupation and/or ownership can change and, in any event, paragraph 135(f) of the National Planning Policy Framework states that decisions should ensure that developments have a high standard of amenity for existing and future users.

14. While the terraced properties to the west including Nos 220, 222 and 224 Tollerton Lane already have little rear outlook at ground level, the impact of the proposed building would still be of some significance due to its height and proximity in relation to their first floor windows and outdoor spaces. The occupiers of these houses would find the presence of the building to be quite unavoidable, and it would appear as an intrusive and dominant feature.
15. For these reasons, based on the evidence provided, the development would not provide acceptable living conditions for all nearby residents with particular regard to noise and outlook. This is contrary to Policies DS5 and EN8 of the CS, which amongst other things, require that proposals do not harm the amenity of existing or prospective residents, and that proposals which are likely to cause pollution (including noise) will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for amenity.

Highway safety and convenience

16. The appeal site lies at the end of a narrow, poorly surfaced, cul-de-sac lane, with no passing or turning space along it. I also saw that the lane has restricted visibility at the entrance onto Scotchman Road, which itself was heavily parked.
17. The appellant claims that there will be no intensification in the use of the lane as a result of the development. However, no clear information has been provided on the existing or proposed use at the site, including in relation to the type, number, and frequency of vehicle movements that could be expected. Given the numerous properties already served by the substandard access, even a small number of additional traffic movements associated with the development would be likely to increase the risk of conflict between vehicles and other lane users, notwithstanding the low speeds at which they would be travelling. No robust evidence is before me to indicate otherwise.
18. Furthermore, the development would occupy much more of the site, resulting in the loss of the existing forecourt area for parking and manoeuvring purposes. This would likely result in associated vehicles being parked on the lane or surrounding roads leading to obstruction and/or inconvenience to other users, particularly the residents of the terraced properties opposite the site. It would also give rise to the need for vehicles to either reverse up or down the lane and onto Scotchman Road, further increasing the potential for conflict between reversing and oncoming vehicles and pedestrians.
19. While there are other driveways and access along the lane which require vehicular reversing manoeuvres from or into sites, most of these serve residential properties and hence they are unlikely to be used in the same way as the proposed garage/workshop. In any event, this is not appropriate justification for further harm to be caused.

20. For these reasons, based on the evidence provided, the development would have an unacceptable effect on local highway safety and convenience. This is contrary to the parking and traffic management requirements of Policies DS4 and TR2 of the CS.

Other Matters

21. I have noted the comments which were received in support of the proposal, some of which express concern over the current condition of the site and other anti-social behaviour issues. However, these matters do not outweigh the harm I have identified and the resultant conflict with the development plan taken as a whole.

Conclusion

22. The proposal conflicts with the development plan as a whole and there are no material considerations which indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR