
Appeal Decision

Site visit made on 12 May 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2025

Appeal Ref: APP/W4705/W/24/3357331

131 Maidstone Street, Bradford BD3 8AN

- 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 Sonia Nosheen against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/02443/FUL.
 - The development proposed was originally described as part change of use of ground floor dwelling to retail Class E(A).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the living conditions of nearby residents, with particular reference to noise and disturbance, odour, traffic, and availability of on-street parking;
 - highway safety; and
 - the character and appearance of the host building and surrounding area.

Reasons

Living conditions

3. Policy DS5 of the Council's Core Strategy Development Plan Document (2017) (CS) states development proposals should make a positive contribution to people's lives through high quality design, and should not harm the amenity of existing or prospective residents. Furthermore, Policy EN8 of the CS states proposals which are likely to cause pollution (including noise and odour), 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.
4. No 131 is an end of terrace dwelling located in a densely populated residential area. It is evident from the evidence before me and my site visit observations that parking is a significant issue in the local area. I observed numerous vehicles parked unconventionally and using the footway for parking, and local residents as well as the Council highlight that parking is a major issue.
5. The proposal is intended to serve the local community, and the appellant has an established customer base. However, it would not be possible (for example through planning conditions) to ensure that customers would not drive to the

butcher's shop. I also note that numerous support comments came from customers who live in the wider area, rather than within walking distance of the site, which further highlights that not all customers would walk to the butcher's. Besides, planning permission runs with the land, and whilst the retail unit is intended to be occupied by a butcher's, the unit could be occupied by a different retailer in the future.

6. The proposal is therefore likely to result in an increase in parked vehicles. The increase is unlikely to be substantial given the size of the unit and some customers would walk. Nonetheless, increasing the number of parked vehicles in an area with already significant parking issues is likely to result in further parking pressure. As a consequence, nearby residents may struggle in finding somewhere to park close to their home which can have a significant effect on the quality of life of residents who live in the local area. Thus, based on the information presented and given the existing parking issues in the area, the increase in parking pressure would have an adverse effect on the living conditions of nearby residents.
7. The Council and local residents highlight that the area also experiences significant traffic issues. Maidstone Street is primarily a residential road with traffic calming measures. I observed on my site visit that the level of traffic was not unusual for a residential area. Nonetheless, I acknowledge my site visit was only a snapshot in time and there could be greater levels of traffic at other times. Having regard to the evidence presented, and considering the size of the unit, residential nature of the area, as well as some customers would walk to the butcher's, I am not persuaded that the proposal would exacerbate traffic issues to an extent that would have an unacceptable effect on the living conditions of nearby residents.
8. The proposal would result in a modestly sized retail use with associated comings and goings. There is an existing row of commercial units located immediately towards the west of the site which also result in comings and goings. The proposed butcher's would not operate early in the morning or late into the evening, and the operating hours would not be dissimilar to nearby units. Planning conditions could restrict opening and delivery hours. In addition, the appellant draws my attention to a noise report and highlight that they would implement noise reduction measures, including acoustic insulation, which could also be conditioned. Taking into account the scale of the development, nearby uses, I am satisfied that the proposal would not result in unacceptable levels of noise and disturbance, subject to the imposition of planning conditions.
9. In terms of odour, I understand that a waste management plan would be implemented. No evidence has been presented to indicate that this matter cannot be addressed by a planning condition.
10. For the reasons given above, the proposal would be acceptable in terms of noise and disturbance, odour, and traffic but would have an unacceptable effect on the living conditions of nearby residents in terms of on-street parking. It would therefore conflict with Policy DS5 of the CS. Given my findings in relation to noise and odour, the proposal would not conflict with Policy EN8 of the CS.

Highway safety

11. As set out above, there are significant highway issues in the local area, and it would not be possible to ensure that customers would only walk to the retail unit. The proposal does not include any off-street parking. Furthermore, on-street

parking is in high demand given the nature of the surrounding area (which consists of terraced housing with no driveways and there are existing commercial units). I observed on my site visit that parked vehicles substantially reduce the width of the carriageway, and the appeal site is located close to a bend.

12. The proposal is likely to result in an increase in parked vehicles from customers and deliveries. The increase is unlikely to be substantial. Nonetheless, as there are existing significant parking issues in the area, based on the information provided and characteristics of the area, the additional demand for on-street parking would have an unacceptable effect on highway safety.
13. In terms of traffic, having regard to the evidence presented, size of the retail unit, residential nature of the area and site visit observations, the proposal would not result in an increase in traffic that would have an unacceptable effect on highway safety.
14. For the reasons given above, the proposed development would conflict with Policies TR2 and DS4 of the CS. These collectively seek, amongst other things, to ensure proposals take a design led approach to car parking so that it supports the street scene and pedestrian environment whilst also being convenient and secure.

Character and appearance

15. The extent of aluminium cladding proposed to the building's principal elevation would be limited, and the external alterations would largely retain the residential character and appearance of the building. In addition, whilst the surrounding area is primarily characterised by terraced dwellings, the appeal site is located at the end of the row and adjacent to commercial units. There is also similar signage at Shandar Zewar, towards the east, which contains a much larger area of cladding than what is proposed. There are also numerous examples of commercial units situated at the end of a row of terraced houses within the vicinity of the site.
16. For these reasons, and taking into account the characteristics of the area and limited aluminium cladding is proposed, the proposal would not be out of character and would not cause harm to the character and appearance of the host building or area. Consequently, it would comply with Policies DS1 and DS3 of the CS. These seek, amongst other things, to ensure proposals achieve good design and are appropriate to their context.

Other Matters

17. The proposal would allow the appellant to establish their own premises, enhance the quality of their service, and make improvements which are not possible in the current rented unit. Furthermore, it would enable the appellant to continue to support the local community.
18. The appellant has highlighted similar conversions, and retail uses occupying end of terrace premises which they consider has set a precedent, as well as an appeal decision. However, the context of the sites and highway considerations cannot be directly compared. In any event, I have considered the appeal proposal on its own merits.
19. I have considered the support comments, and acknowledge that the existing butcher's is valued by the local community and the benefits the proposal would

bring. Having said that, the other matters raised by the appellant and local residents do not outweigh the harm that I have found above.

Conclusion

20. I conclude that the proposed development would not cause harm to the character and appearance of the host building or area, and would be acceptable in terms of noise and disturbance, odour, and traffic. However, it would have an adverse effect on the living conditions of nearby residents and would have an unacceptable effect on highway safety due to the increase in parking pressure, to which I attach significant weight. The other matters raised, including benefits, would not outweigh the harm I have found.
21. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR