



Appeal Decision

Site visit made on 15 August 2007

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Date: 29 August 2007

Appeal Ref: APP/W4705/A/07/2042872

Land at 11 and 16 Kestrel Mount, Bradford BD2 4EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs Starkey against the decision of the City of Bradford Metropolitan District Council.
- The application (Ref: ~~06/07610/OUT~~), dated 4 October 2006, was refused by notice dated 9 January 2007.
- The development proposed is the construction of two semi-detached dwellings.

Decision

~~I allow the appeal~~ and grant planning permission for the construction of two semi-detached dwellings at Land at 11 and 16 Kestrel Mount, Bradford BD2 4EZ in accordance with the terms of the application (Ref: 06/07610/OUT), dated 4 October 2006, and the plans submitted therewith (Ref: SR-318-1A), subject to the conditions in the schedule at the end of this decision letter.

Main issues

1. The main issues in the consideration of this appeal are:
 - The implications of the proposal for highway safety.
 - Whether the proposal would constitute overdevelopment.
 - The effect on the living conditions of the occupiers of adjacent dwellings.

Reasons

Highway Safety

2. The appeal concerns land to the side of two existing two storey semi-detached dwellings, which are sited at right angles to each other. The properties are located at the end of a relatively small cul de sac where vehicle speeds will tend to be low. There are, according to the Council, 14 dwellings in the road. The majority of these have garages with relatively lengthy drives in front giving a reasonable capacity for off road parking. The indicative layout shows that a total of seven off road car parking spaces could be provided to serve the new and existing dwellings. I am therefore satisfied that the proposal need not unduly add to the burden of kerbside parking in the cul de sac.
 3. Apart from that at no. 16 vehicles parked in the illustrated spaces would be able to turn within the site, so that drivers need not reverse onto the street.
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There are footways on both sides of the street. Visibility at the junction of Kestrel Mount and High House Road is more than adequate. The carriageway does not appear to me to be unduly narrow with vehicles able to pass each other. The access off Kestrel Mount to the new dwellings would have a width of 4.5m. It would be in a similar position to the current access to no. 11 and I am satisfied that it would adequately serve the development.

4. Given these factors, I am not persuaded that the highway safety of motorists or pedestrians would be unacceptably compromised by the proposal. I therefore find no conflict with Unitary Development Plan (UDP) policy TM2.

Overdevelopment

5. The illustrative plans show that, although having their front elevations set further back, the new houses could be positioned as a continuation of the line of dwellings on the northern side of Kestrel Mount. They would have adequate space around them with about 10m to the front and rear boundaries. The side elevation would be about 13m from the rear elevation of the nearest dwelling in Myers Avenue. Because of these factors, I am satisfied that the development could be of an appearance, layout and scale so as to relate acceptably to surrounding houses and need not constitute overdevelopment. In this regard the proposal would not unduly compromise the aims of UDP policies D1 and UR3.

Living conditions

6. The indicative layout shows that two dwellings could be positioned in such a manner as to avoid unneighbourly effects. More specifically, the distance from properties in Myers Avenue and High House Road, together with the lower level of the appeal site, means that the new dwellings could be positioned and designed so that there were no unduly adverse effects from overlooking, loss of light or an overbearing effect. I also consider that the intermittent movement of the relatively modest number of cars associated with the new dwellings need not result in undue noise and disturbance. I conclude that the living conditions of the occupiers of adjacent dwellings would not be harmed. In this respect I therefore find no conflict with UDP policies D1 and UR3.

Conclusion

7. Given the absence of harm that I have found I conclude, having regard to all other matters raised, that the appeal succeeds.

Conditions

8. Conditions are necessary to ensure the provision of off road car parking, vehicular access and a turning area for the new dwellings, all in the interest of highway safety. Boundary treatments should be controlled to protect the appearance of the locality and living conditions. There is an existing crossover that would serve the development, so a condition concerning dropped kerbs is not needed. Several of the conditions suggested by the Council seek to address concerns that are subject to control under other legislation. These include hours of construction, drainage and gates opening onto the highway.

As a result, I am not persuaded that these matters should be controlled by conditions.

Schedule of Conditions

- 1) Details of the appearance, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins 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 before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to occupation of the proposed dwellings vehicular accesses for the new and existing dwellings shall be provided in accordance with the submitted details and thereafter be retained.
- 5) Prior to occupation of the proposed dwellings a turning area to enable vehicles to enter and leave the site in a forward gear shall be provided and thereafter retained in accordance with details that have been submitted to and approved in writing by the local planning authority.
- 6) Prior to occupation of the proposed dwellings car parking spaces for the existing and proposed dwellings shall be provided and thereafter retained in accordance with details that have been submitted to and approved in writing by the local planning authority.
- 7) Prior to occupation of the proposed dwellings boundary treatment shall be provided in accordance with details that have been submitted to and approved in writing by the local planning authority.

M Evans

INSPECTOR