



Appeal Decision

Site visit made on 11 February 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2019

Appeal Ref: APP/W4705/W/18/3214265
289 Beacon Road, Bradford, BD6 3DQ

- 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 Mrs Kamla Poppleton against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 17/05465/MAO, dated 20 September 2017, was refused by notice dated 2 May 2018.
 - The development proposed is residential development consisting of 5 pairs of semi-detached houses with new access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all matters except for access, layout and scale reserved for determination at a later date. I have considered the appeal on this basis. The Arboricultural Impact Assessment and Planting Scheme (AIA) includes a planting scheme plan, and elevation drawings have been submitted, I have treated these as being indicative as landscaping and appearance are reserved matters.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including its effect on trees;
 - whether the proposal would provide suitable living conditions for future occupants, with particular regard to the presence of trees on the site; and
 - the effect of the proposed development on drainage.

Reasons

Character and appearance

4. The appeal site is located in a predominantly residential area and is currently occupied by a derelict detached dwelling set in relatively extensive grounds. The site, particularly the areas close to the boundaries, is heavily wooded with a number of those trees covered by a group Tree Preservation Order (TPO).

5. The TPO dates from 1956 and it appears that it has not been reviewed since it was made, nevertheless there is no suggestion by the Council that they would not continue to afford those trees, covered by the TPO, protection. There is no dispute between the parties that a number of trees and vegetation which has grown since the TPO was made, would not be afforded protection by the TPO. However, whilst a number of trees may not be protected, they are worthy of consideration as a material constraint to any proposed development.
6. The trees on this site make a significant positive contribution to the visual amenity of the area. The majority of the trees are highly visible in public views because of their size and positioning within the site. Whilst the trees at the front of the site may make the greatest contribution to the street scene, other trees are seen in views from Chartwell Drive, and provide an attractive break from surrounding built development which has a beneficial impact on the character and appearance of the area.
7. I have had regard to the submitted (AIA) and Arboricultural Report and it is evident that there are a number of trees which fall within category U (unsuitable for retention due to poor condition) and at least one dead tree, whose removal may be beneficial. However, a consequence of the proposed layout is the removal of a significant number of trees, in particular on the south and west boundaries. The trees are largely B and C category trees however, a number of the C category trees are stated to have a life expectancy of at least 10 years and are in good physiological condition, recognised for their mainly landscape qualities.
8. The loss of a large number of prominent trees would significantly detract from the overall appearance of the site and its amenity value. Whilst the proposed replacement planting would ameliorate some of that loss, it would not provide adequate mitigation for the loss of substantial mature trees, particularly because of the time it would take to reach maturity.
9. The Council raise no objection to the proposed removal of trees from the northern boundary of the site and I see no reason to take a different view.
10. Overall, for the reasons given above the proposal would cause unacceptable harm to the character and appearance of the area contrary to Policies DS1, DS2 and EN5 of the Local Plan for the Bradford District Core Strategy (the Core Strategy). Taken together these policies seek good design and high-quality places, the retention of existing landscape and ecological features and their integration within developments as positive assets, and the protection of trees that contribute towards the amenity of the built-up area.

Living conditions

11. The houses on plots 2 – 4 would be located in close proximity to trees T10 – T13 and the presence of the trees would have a significant effect on how these houses are experienced. Although they are located broadly to the north of the site, they are large trees and due to their proximity to the proposed houses, would be dominant features within the gardens. Furthermore, because of the position of the trees relative to the elevations of those houses, I consider that they would have a substantial and unacceptable shading effect on the houses.
12. The gardens of the proposed houses on plots 6 and 7 would be beneath the crown spread of the retained tree T41, and as such this tree would have a

significant overbearing and shading effect on those garden spaces, which would seriously restrict the usability and compromise the enjoyment of those gardens.

13. If future occupants were concerned about the impact of the trees on maintenance, light levels and perceived safety, they could apply to have them felled or somehow reduced. However, such actions could well harm the positive contribution the trees make to the character and appearance of the area.
14. Consequently, due to the proximity of trees to the proposed houses, the proposal would fail to provide suitable living conditions for future occupants and would therefore fail to accord with Policy DS1 of the Core Strategy, which requires that development proposals contribute to achieving good design and high-quality places by being informed by a good understanding of the site and its context. It would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure a high standard of amenity for existing and future users.

Drainage

15. I note that Yorkshire Water found the submitted Surface Water Drainage Strategy to be unacceptable, as they consider that evidence must be provided to demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical before considering disposal to a public sewer. However, in the event that permission is to be granted they suggest a pre-commencement condition requiring such evidence to be submitted.
16. Whilst I acknowledge the Council's position, as the statutory undertaker raises no in principle objection to the proposal I consider, that in the event the appeal were to be allowed this matter could be dealt with by conditions and that there would be no conflict with the overall flood risk management aims of Policy EN7 of the Core Strategy. This would not therefore be a reason alone to dismiss the appeal.

Planning balance

17. There is no dispute that the Council cannot demonstrate a five-year housing land supply therefore in accordance with the Framework, the relevant policies for the supply of housing should not be considered up to date. However, I note that the Council have no in principle policy objection to the development of the site for housing, and in fact appear to be willing to accept a development density of less than the 30dha required by Policy HO5 of the Core Strategy.
18. In the context of the Development Plan I have found the proposed development would be contrary to Policies DS1, DS2 and EN5 of the Core Strategy, the overall design and landscape protection aims of which are consistent with the Framework and as such can be afforded substantial weight.
19. I acknowledge that the site was formerly allocated for housing and that the Council attach significant weight to the former designation of such sites when considering their use for residential development. Further, when judged against some of the core planning principles from the Framework the proposal would perform well in that it would be in an area where there is good access to facilities and would contribute to the supply of housing in the Borough. However, whilst there may be an urgent need to boost the supply of new houses in the Borough, it seems to me that this should not be at the expense

of achieving well designed development that provides acceptable living conditions. The harm to the character and appearance of the area and the living conditions of future occupants means that the environmental and social objectives of sustainable development would not be achieved.

20. Overall, I find that the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development. The material considerations do not justify making a decision other than in accordance with the Development Plan.

Other Matters

21. I observed at my site visit that the property has been subject to vandalism. I have had regard to third party representations in respect of incidences of crime and anti-social behaviour related to the vacant nature of the site. Whilst I have no reason to doubt those views, in the absence of substantive evidence I cannot be certain that all of the incidences are directly related to the appeal site. Further, there is no evidence that the appeal scheme is the only way improvements to the condition of the site could be achieved and therefore I give this limited weight in my assessment.
22. That there would be no harm to highway safety, the lack of local opposition to the scheme, the ecology and habitat enhancements and that there would be no harm to residential amenity are neutral matters that cannot therefore outweigh my findings.
23. The appellant has referred to two planning permissions for neighbouring developments however, I have little information about the circumstances of those developments being permitted and therefore give this limited weight in my assessment. In any event, I have considered the appeal scheme on its own merits.

Conclusion

24. For the reasons given above and having regard to all matters raised, the appeal is dismissed.

Felicity Thompson

INSPECTOR