
Appeal Decision

Site visit made on 11 October 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 21 October 2016

Appeal Ref: APP/W4705/W/16/3154895

Leylands Medical Centre, 81 Leylands Lane, Bradford, BD9 5PZ

- 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 Z Khan against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/00451/FUL, dated 24 January 2016, was refused by notice dated 29 March 2016.
 - The development proposed is 2 detached houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the street scene taking particular account of protected trees and the scale and appearance of the house proposed at Plot 1.

Reasons

3. The appeal site is in the built up area of Heaton. The Council cannot demonstrate a five year supply of land to meet the objectively assessed housing need for the area. The site is in a sustainable location in respect of access to services and facilities and residential development is appropriate in principle provided all other material planning considerations are satisfied. The provision of two dwellings would make a small but positive contribution to the economy during construction and to the housing stock and would be in accordance with those principles of the National Planning Policy Framework (the Framework) that seek to boost significantly the supply of housing.
 4. Leylands Lane is a through route in a mainly residential area and the section between Toller Lane and Leylands Avenue is characterised by buildings of differing styles and sizes set in generous plots with trees and shrubs providing an open leafy setting. The site itself is part of the former grounds of the local health centre and contains many trees and shrubs. The health centre, pharmacy and nursery buildings are located to the south across an access road. This access leads to car parking, some of which is located in a landscaped area adjacent to a hedge along the site boundary. To the other side of the appeal site is a block of flats called Larkfields.
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Trees

5. Tree Preservation Order Ref 0561/G2 provides protection for a group of Sycamore, Ash and Sorbus along the boundary with Leylands Lane. The proposed access would be between the protected trees. The proposed development would retain many trees but a number would need to be removed including a protected Ash, identified as being mostly decayed/dead but with some live growth. The proposal plans show that a protected Sorbus would also be removed although the Arboricultural Report and Arboricultural Impact Assessment (the AIA) indicates that its removal may not be necessary.
6. The construction of the drive and parking areas would affect the root protection area of a further four protected trees and changes of land levels would also affect the roots of two of these. The AIA recognises that some root pruning would be required but does not go on to identify the effects that this, the changes of land levels and the installation of drainage and hard surfacing would have on the long term health of the retained trees. Accordingly, despite the recognition that some safeguards such as protective fencing and 'no-dig' road construction can be put in place, I cannot safely conclude that the proposed development would not result in significant harm to, and the potential loss of, protected trees to the detriment of the verdant character of the street scene.
7. The appellant suggests that the proposed parking spaces at the front of the site could be re-located to the rear. However, in the absence of plans showing how this would be laid out; whether there would be other layout implications in respect of the sharing of the driveway; or the extent to which the effect on protected trees would be ameliorated; I can give this no consideration in respect of the appeal before me.
8. The appellant says that previously there was a gate and access into the site from Leylands Lane. At my site visit I saw little obvious evidence of such an access and therefore I give this little weight in my considerations.

Scale and appearance

9. The proposed houses would have significantly different designs and sizes. The house at Plot 1 (House 1) would be positioned forward of Larkfields flats and would be separated from the shared boundary by a driveway about 4m wide. The house would be two storeys with the gable facing the highway. The roof would be asymmetrical with the slope nearest to Larkfields having a much lower pitch than the other roof slope. The ridgeline would be off-centre and positioned above a symmetrical pitched roof over a single projecting bay window.
10. House 2 would be much larger and would have two storeys with further rooms in the roof. Its front elevation would be symmetrical with projecting bays to either side of the door and two dormer windows positioned symmetrically in the roof. Its eaves and ridge line would be significantly higher than the eaves and ridge line of House 1.
11. I recognise that the scale and design of House 1 has been influenced by the need to minimise the effect on the outlook from windows in the side elevation of Larkfields. As a result the scale and appearance of House 1 would be poorly related to those of Larkfields and House 2. This discordancy would be exacerbated by the relatively narrow gap proposed between Houses 1 and 2.

I accept that existing rooflines rise as Leylands Lane rises towards Toller Lane but during my site visit I saw no such disparate buildings so close together as the proposals before me. I conclude therefore that the proposed development would be out of keeping with the adjacent properties and would be detrimental to the character and appearance of the street scene.

12. The appellant has suggested that the roof pitch to House 1 could be revised to 30 degrees. However, in the absence of plans showing a re-designed roof and the effect on the design and appearance of House 1 and the living conditions of the occupiers of Larkfields, I can give this no weight in my considerations.

Conclusion

13. For the reasons set out above I conclude that the proposed development would have a significant and demonstrable harmful effect on the character and appearance of the street scene. It would not amount to good design. By not conforming to those parts of policies NE4, NE5, NE6, D1 and D5 of the City of Bradford Replacement Unitary Development Plan, 2005, that require developments to make a positive contribution to the environment, to relate well to existing character of the locality in terms of design, scale, massing and height and that seek to protect important trees, the proposal would not conform to the development plan taken as a whole. Nor would it conform to those principles of the Framework that seek good design appropriate to the local area. The environmental dimension of sustainable development would not be satisfied. These matters outweigh the small positive contribution towards the social and economic benefits that would result from the provision of two houses.
14. For the reasons set out above and taking into account all relevant matters raised I conclude the appeal should not succeed.

SDHarley

INSPECTOR