



Appeal Decision

Site visit made on 20 May 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2019

Appeal Ref: APP/W4705/D/19/3222483

3 Delph Wood Close, Gilstead, Bingley BD16 3LQ

- 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 and Mrs S Meredith against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 18/02948/FUL, dated 9 July 2018, was refused by notice dated 24 January 2019.
 - The development proposed is construction of a detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - a) highway safety, and
 - b) the character and appearance of the area, with particular regard to trees.

Reasons

Highway safety

3. The appeal site is within the mature landscaped garden of a detached house. The site is in a residential area, located off a private road which has five dwellings. The proposal would provide bungalow living accommodation with a flat sedum roof.
4. The Council is concerned that the proposed dwelling would unacceptably intensify use of an unadopted highway, which has no street lighting, 'a width suitable only for one way traffic for most of its length', and already serves five properties.
5. In respect of car and van passing and turning, I note the appellant's citing of an appeal decision for No.3a in 2008, in which the previous Inspector considered 'Delph Wood Close is wide enough for two normal vehicles to pass in opposite directions and additional vehicular movements resulting from the proposed development is not likely to result in traffic congestion or conflict, or any danger to pedestrians'. There is no evidence before me to indicate that the conditions and risks have changed significantly since that decision.

6. However, I note that highway safety was not identified as a main issue of that appeal case. The appellant states that 'in the last 15 years the number of issues caused by two vehicles on Delphwood Close has been in single figures'. Given that the detail and data source for such incidents is unclear, I attach limited weight to that evidence. On my site visit, I saw that Delph Wood Close is somewhat 'tight' in terms of road access, and that there appear to be some potential 'passing places', although it is possible these could be taken up by residents parking.
7. The Department for Transport's Manual for Streets (2007) sets out a recommended 30m maximum distance for transporting bins from storage point to collection point. The location of the bin collection point for homes on Delph Wood Close is a matter of dispute between the main parties. The Council considers it 'likely that refuse vehicles...collect bins from Gilstead Lane', whilst the appellant states that refuse collection is 'at the head of Delphwood Close in front of 3 Delphwood Close. Previous planning applications have a fuller photographic evidence for this'. I recognise that five dwellings exist on Delph Wood Close. However, there is not substantive evidence before me - in the form of photographic evidence, refuse vehicle swept path analysis and verification of collection point by the waste collection service, for example - to illustrate the safety and convenience of refuse collection arrangements, for the proposed development. As such, there is doubt as to the location of the bin collection point.
8. I saw that Delph Wood Close's access road and turning head, allowing for road width, sloping terrain, parked vehicles and mature hedging together, make for somewhat 'tight' manoeuvring conditions for a car, let alone a large refuse lorry. Moreover, the appeal property is at the bottom of a sloping access road, with around a 150m uphill walk to Gilstead Lane. Should there be lack of regular, safe bin collection at the turning head on Delph Wood Close, the distance of the appeal site from Gilstead Lane would result in lack of adequate refuse collection arrangements for the proposed dwelling.
9. Taken together, the above factors lead me to conclude that, whilst somewhat 'tight', car and smaller van access could be achieved for the proposed modest-sized dwelling without adding significant road safety risk and traffic flow. However, I find that safety and practicality has not been demonstrated in respect of refuse vehicle manoeuvring and bin collection arrangements. Therefore, the proposal would not, overall, provide a demonstrably sufficient level of safe highway access, or adequate refuse collection provision. As such, it would conflict with Policy DS5 of the Bradford Core Strategy (2017) (CS). The policy seeks to ensure, amongst other things, that development is safe, and includes appropriate design arrangements for servicing, waste handling, recycling and storage.

Character and appearance

10. Policy DS2 of the CS seeks the retention of landscape features 'as positive assets' where possible, so that development integrates into the wider landscape. Policy DS3 of the CS requires development to be appropriate to its context in terms of layout. CS Policy SC9 envisages that development will respond to locally distinctive features and be appropriate to local character. Moreover, Policy EN5 of the CS seeks retention of 'trees which are healthy and...have a clear public amenity benefit'.

11. Some of the trees on and adjoining the site are protected by City of Bradford Tree Preservation Order (TPO) No.0917. The protected trees on the site are substantial, in reasonable health and contribute both deciduous and evergreen elements to the distinctive 'leafy' character of the neighbourhood, viewed from the appeal site, the street and properties in the vicinity. The protected trees contribute to the treescape which provides visual and spatial relief from built-up elements in the neighbourhood.
12. Tree Ref: AIA T3/TPO 0917-T10 is a category B, blue atlas cedar. The proximity of the proposed dwelling's lounge wing and patio to the root protection area (RPA) and canopy of this large, evergreen species is likely to put the tree at risk, in terms of incursion into its root zone during construction, and future pressure for disfiguring pruning, or even its removal, due to afternoon shading, branch drop and root spread close to the dwelling. These factors, in combination, lead me to conclude that the proposal would harm the form and longevity of the tree.
13. Tree Ref: AIA T5/TPO 0917-T11 is a category B, deodar cedar, which is a large, evergreen species. The proposed garage would be immediately adjacent to its RPA and canopy. Taken together, these factors would put the tree at risk, both from damage to its roots during construction phase and future pressure due to potential branch drop onto the garage roof. Whilst moving the garage further away from the tree might potentially address these concerns, the holistic design viability of that is not substantively demonstrated.
14. There is a substantial belt of trees adjoining the eastern boundary of the appeal site. Much of this tree belt, Ref: AIA G3/TPO 0917-G2 and G3 is protected by the aforementioned TPO. I note that in respect of G3, the AIA surveyor was unable to gain access for full inspection. It is appreciated that the appellant is willing to provide a piled foundation solution for the full dwelling. However, from what I saw on site and the aerial view, the proximity of the rear facade of the proposed dwelling to the canopy zone and RPA of this belt would lead to pressure on the trees within it, for the similar combination of reasons to those described above for trees T3 and T5. As such, I consider that the proposal would erode boundary tree belt G3, which makes an important contribution for the 'leafy' character of the area.
15. A number of mainly C category fruit trees are proposed for removal which are not protected by TPO. Subject to preservation of the framework of larger protected trees, the removal of these smaller garden trees, would not, harm the character of the area. The appellant's intention to plant new trees is appreciated. The neighbour view that the proposal would blend in better than a static caravan and sheds on the site is also noted. However, for the reasons described above, I consider that the proposed dwelling location and layout would harm substantial, protected trees, and be detrimental to the valuable contribution which they make to the character and appearance of the area.
16. Having regard to all the above, I conclude that the proposal would harm protected trees and, as such, the character and appearance of the area. Accordingly, it would conflict with Policies DS2, DS3, EN5 and SC9 of the CS. Together the policies seek to ensure that development complements local character and landscape.

Planning Balance and Conclusion

17. The appellant states that the Council is unable to demonstrate a five-year supply of deliverable housing sites, and the Council does not provide substantive evidence to the contrary. As such, development plan policies concerning the location, and therefore supply, of housing are considered to be out of date, under the terms of the National Planning Policy Framework¹ (the Framework). Accordingly, paragraph 11 d) ii of the Framework is engaged, which tells us that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
18. The proposal would provide a two-bedroom bungalow. Given the modest scale of proposed development, its contribution to local housing supply, and local economic benefit during and after construction, would be minor. Having regard to all of the above, I find that the adverse impacts of the proposal in respect of character and appearance of the area, with particular regard to protected trees, would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. As a result, the environmental aspect of sustainable development would not be achieved. The lack of demonstrably safe and practical refuse collection provision would further exacerbate the harm identified.
19. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR

¹ Published on 19 February 2019.