



Appeal Decision

Site visit made on 7 January 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2020

Appeal Ref: APP/W4705/W/19/3237019

North of Cliffe Cottages, Fronting Lees Lane, Haworth, Keighley, W Yorks.

- 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 A R Merrett against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/02255/OUT, dated 22 May 2019, was refused by notice dated 19 July 2019.
 - The development proposed is outline application for residential development of land for three houses (site area 0.12ha) requesting consideration of access, layout and scale.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. No description of the proposed development is provided on the application form. The appeal form confirms that the appellant has agreed to the description being amended as per the banner heading above. I have therefore used this description for the purposes of the appeal.
3. The application is made in outline with access, layout and scale to be determined and appearance and landscaping reserved.
4. A site plan dated 24 July 2019 indicating amended parking and turning arrangements within the site has been submitted with the appellant's appeal documentation. The drawing post-dates the Council's decision. If I were to determine the appeal based on the amendments shown on the site plan it is possible that the interests of parties who might wish to comment would be prejudiced. I have therefore determined the appeal based on the original site plan.
5. Whilst not a reason for refusal, third party representations raise concerns about the negative impact of the proximity of the development to well established, and protected trees. Following my site visit, the appellant and the Council have been given the opportunity to comment on third party concerns about the effect of the development on trees within the site. Additional comments have been made by both parties and I have taken these into consideration in coming to my decision.

6. The evidence before me is that the Council cannot demonstrate a 5-year housing land supply. Therefore, the provisions of Paragraph 11 (d)(ii) of the Framework are engaged and I have assessed and determined the appeal on that basis.

Main Issues

7. The main issues are:

- (i) the effect of the development on the amenity value of protected trees; and
- (ii) Whether the proposed access, parking and turning arrangements would have a detrimental effect upon highway safety.

Reasons

Trees

8. The appeal site comprises of an area of grassland fronting Lees Lane together with a row of garages and associated parking facilities. The undeveloped part of the site is located adjacent to Lees Lane and its boundaries are defined by a stone wall and fencing. Adjacent to the boundaries are prominent mature trees covered by a group Tree Preservation Order (TPO). The existing garages, parking and turning facilities are set back from the road with access from a short private drive from Lees Lane. The former mill building, now in residential use, forms part of the site's western boundary and further protected trees are located adjacent to this building.
9. The proposed site layout indicates a short terrace of three properties located centrally within the plot. To accommodate the development part of the garage block would be removed. The dwellings are designed to face the shared parking area with the garden areas provided to the rear adjacent to Lees Lane. Gardens would be separated by boundary treatment that would extend to the wall at the front of the site. Car parking for plot one would be provided adjacent to the former mill building. The existing garaging and the area to the front would provide parking for the other two properties and Cliffe Cottages to the rear of the site.
10. The TPO states that 15 sycamore trees, 1 lime and 1 elm tree are covered by the order. The trees make an appreciable contribution towards the appearance of their surroundings. This is recognised by their inclusion in the TPO. All of the trees are visible from Lees Lane and positively contribute towards the street scene.
11. The appellants' tree survey¹, although dated October 2018, indicates that the trees were inspected in September 2015. Given the significant time that has elapsed since the trees were surveyed, I attach only limited weight to the detail of the survey in as much as it provides details of the condition and maturity of the trees.
12. I saw during my site visit that with their canopy spread, the trees markedly overhang the appeal site. Having regard to the proposed layout of the dwellings, I am not persuaded that the proposed development including

¹ Survey details for trees at Lees Lane, Crossroads, Keighley 1st October 2018

parking, boundary treatment and hard landscaping around the properties, could be constructed without infringing the tree root protection areas and I have some concern that the canopies of the closest trees to the proposed dwellings may also be infringed. In addition, I note that the tree survey proposes works to the trees and I am not clear whether these works are required to allow the development to proceed or to manage the trees. I am concerned that even limited unnecessary works would be detrimental to their amenity value and this would not be reflective of the protection afforded by the TPO.

13. Further, I am not satisfied that the proposed dwellings would be sufficiently separated from the trees so as not to be affected by heavy shading. As a consequence, it is likely that there would be future pressures from the occupiers of dwellings for the trees to be lopped, topped or felled. This would further reduce their amenity value.
14. I acknowledge that the appellant points out that the Council accepted the relationship of the development to trees, although I note that the Tree Officers comments were not submitted during the application process. However, in the Council's subsequent comments they raise concerns about the lack of detail in relation to tree protection measures and future pressure for works to trees.
15. Overall, I conclude that the proposed development would have a significantly adverse effect on the amenity value of the protected trees. As such, it would not comply with Policy EN5 of the City of Bradford Core Strategy Development Plan document adopted July 2017 (Core Strategy) which seeks to preserve and enhance the contribution that trees make to the character of the area.

Highways

16. Vehicular and pedestrian access to the appeal site is from Lees Lane via a private drive. There also appears to be access from the private drive through to Shuttle Fold. There is a row of garages, parking and turning area already within the site.
17. Lees Lane is a through road carrying traffic from Halifax Road into Haworth. The road is subject to a 30 mph speed limit. There are footways on either side of the road and bus stops close to the site entrance in both directions. The small section of access road between Lees Lane and the entrance to the garage forecourt is sufficiently wide to allow two cars to pass each other. The entrance from Lees Lane is splayed and there is enough space for vehicles to enter and leave the site without traffic having to wait on Lees Lane. Although visibility is restricted by the boundary wall my attention has not been drawn to any record of accidents associated with the established access from Lees Lane. In any event, given that there is already garaging within the appeal site the level of additional traffic associated with the appeal development would be limited.
18. The layout plan indicates that the existing garage block would be reduced to provide space for the dwellings and part of the current turning area for vehicles would be removed. Two garages and two parking spaces are provided for Cliffe Cottages within the site. Third party representations indicate that these cottages have access rights through the appeal site.
19. Two of the proposed dwellings would have garage and parking spaces provided. A further two parking spaces are proposed, roughly at right angles to

the garages for the third dwelling. It appears to me that the car parking arrangements as proposed would require some tight manoeuvres within the site. However, I am satisfied that there is sufficient space to provide for the parking of vehicles to serve the development. Such matters could be subject to a suitably worded planning condition to secure a better parking layout.

20. Although there is anecdotal evidence from third parties that on street parking is difficult, the Council have not provided any evidence to suggest that there is an existing parking problem in the area or that there is any record of highway safety issues as a result.
21. I acknowledge that there are private rights over the parking area. Any private rights of access are not affected by my decision and any legal rights afforded by private access arrangements fall outside the scope of my determination. They are matters between the respective parties.
22. Overall, I find that the off-street parking and turning arrangements comply with Policy DS4 of the Core Strategy which requires that opportunities are taken to encourage people to walk, cycle and use public transport and among other things seeks a design led approach to car parking to support the street scene and pedestrian environment whilst also being convenient and secure.

Other Matters

23. The appeal site is within the impact zone of the South Pennine Moors Special Protection Area (SPA)/Special Area of Conservation (SAC). Significant effects on the features of interest of the protected sites due to increased recreational use and other domestic activities associated with residential development in this location, or cumulatively with other schemes in the area, cannot be ruled out. Such effects may, following an appropriate assessment, be mitigated through contributions to infrastructure delivered through the Community Infrastructure Levy (CIL), where it can be determined that the measures sought through CIL are deliverable. However, as I am dismissing the appeal for other reasons, I have not considered this matter further.

Planning Balance

24. The proposed development would contribute to the Framework objective of boosting the supply of homes. It would provide housing in an accessible location and make efficient use of land. The scheme would also result in a degree of economic gain to the area and provide more dwellings to the housing stock which would offer social benefits. It would however conflict with the Framework policies which require development to contribute to and enhance the natural and local environment and be of good design, sympathetic to local character including the surrounding landscape setting.
25. I have identified that the proposal would have a significantly adverse effect on the amenity value of protected trees. As such, I find that the proposed development would conflict with the development plan and I give substantial weight to this conflict. Overall, I conclude that even when taking into account the scale of the potential shortfall in the five-year housing land supply suggested by the appellant, that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of providing three additional dwellings, when assessed against the policies in the Framework taken as a whole.

Conclusion

26. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR