
Appeal Decision

Site visit made on 16 June 2020 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/W4705/D/20/3246966

71 Owler Park Road, Ilkley LS29 0BG

- 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 Ms Dianne Powell against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/04128/HOU, dated 1 October 2019, was refused by notice dated 26 November 2019.
 - The development proposed is erection of flat roofed, timber framed 16.7sqm building to rear garden of, and in association with, private dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the Terrace Ghyll Ancient Woodland.

Reasons

4. The appeal site comprises the rear garden of 71 Owler Park Road, which abuts the Terrace Ghyll Ancient Woodland (the AW). The proposal involves the erection of a flat roof, timber clad outbuilding which will replace an existing greenhouse. The building would be used as a home office and gym. It would be located very close to the boundary of the site and would be within a 15m buffer zone required to protect the AW.
5. My attention is drawn to Standing Advice issued by Natural England and the Forestry Commission titled '*Ancient woodland, ancient trees and veteran trees: protecting them from development*' (the guidance). This states decision makers should conserve and enhance biodiversity and consider the level of impact of the proposed development would have on ancient woodland and ancient and veteran trees.
6. I acknowledge the appellant's point, and the views of the Council's arboricultural officer, that due to the low quality of two nearby trees and

reference to BS5837, the direct impacts of the proposal can be justified. However, the guidance is clear in stating *where a proposal involves the loss of ancient woodland, you should not take account of the existing condition of the ancient woodland when you assess the merits of the development proposal*. The appellant acknowledges that the footprint of the building would make an incursion into the Root Protection Area (RPA) of an alder tree and affect the ground within the RPA for an ash tree. Both form part of the AW regardless of their condition according to the guidance. The proposed outbuilding would be significantly larger than the existing greenhouse, while the plans indicate the addition of a soakaway for drainage. As such, these factors are likely to cause direct harm to the AW from damaging roots, soil compaction and changing the drainage pattern of these trees. Regardless of their condition, they contribute to the biodiversity value of the AW.

7. Furthermore, the proposed outbuilding would have a materially different and more intensive use than the existing greenhouse. This would inevitably lead to indirect impacts such as increased noise, light and dust pollution from increased comings and goings to and from the office and use of the gym equipment. This would cause further harm to biodiversity features of the AW.
8. Alongside Paragraph 175(c) of the National Planning Policy Framework (the Framework), the guidance states *planning permission should be refused if the development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless there are wholly exceptional reasons and there is a suitable compensation strategy in place*. There are no wholly exceptional circumstances suggested which would justify the proposal. I note the reference to benefits of mitigation; however, mitigation would be a neutral factor rather than weighing in favour of the development. Moreover, I have no details of mitigation measures before me other than using LED 'uplighting' which would still introduce artificial light sources. Similarly, while there would be some benefit in terms of the quality of housing stock, this would be limited and would not outweigh the harm to the AW, the conservation of which I apply considerable weight.
9. To conclude on the main issue, as set out above, the proposal would result in significant harm to the AW. Consequently, it fails to comply with the requirements of Policy EN5 of the Bradford Core Strategy Development Plan Document (CSDPD), which advises proposals which would have adverse impacts on ancient woodland and/or aged/veteran trees will not be permitted. In addition, the proposal is contrary to the guidance and Framework which state planning permission should be refused if the development will result in the loss or deterioration of ancient woodland.

Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth