



Appeal Decision

Site Visit made on 1 March 2021

by Chris Forrett MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/W4705/D/20/3264057

25A North Park Road, Bradford BD9 4NU

- 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 Mrs Hira Abbas against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/03375/HOU, dated 10 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is a two-storey side extension, including the crown lifting and removal of three branches of the adjoining copper beech tree.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension, including works to the adjoining copper beech tree, at 25A North Park Road, Bradford BD9 4NU in accordance with the terms of the application, Ref 20/03375/HOU, dated 10 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DL643 02 revision B and DL643 03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No works shall be undertaken to the copper beech tree until full details of the such works have been submitted to and approved in writing by the local planning authority. The tree works shall only be carried out in accordance with the approved details.

Procedural Matter

2. The appeal proposal was described as including the crown lifting and removal of three branches of the adjoining copper beech tree. However, having sought the views of both the Council and the Appellant, I have amended the description to works to the adjoining copper beech tree.

Main Issue

3. The main issue is the effect of the development on the nearby Copper Beach tree and the character and appearance of the area.

Reasons

4. The appeal site is located in primarily a residential area and is also within the North Park Conservation Area (NPCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area.
5. The appeal property is set back from the road frontage of North Park Road and is accessed along a private driveway. Whilst there are some views possible from Ashburnham Grove, the property is not readily visible from public vantage points. Furthermore, as noted by the Council, the appeal property is partially screened from the neighbouring properties and roads by well-established tree cover. The leafy nature of the NPCA is one of its key characteristics.
6. The Council's principle concern over the development relates to the crown lifting/removal of three branches of a copper beech tree which is located in the adjoining property, 2 Ashburnham Grove. From what I observed the Copper Beech tree makes a positive contribution to the NPCA and it is common ground that the tree is in a healthy structural and physiological condition.
7. From the evidence before me planning permission¹ was granted by the Council for a very similar development to the current appeal proposal back in 2011. However, the Appellant has confirmed that this permission was never implemented and has therefore lapsed. Notwithstanding that, the Council has stated that this was on the basis of no Tree Preservation Order being made at that time. However, from the evidence before me, that is still the case today.
8. In that sense, the effect on the copper beech tree would be similar given the similarities between the respective developments. The main change would therefore be any growth to the tree itself.
9. At my site visit I saw that there were some low branches which had been pruned on both sides of the tree. From the limited description of the tree works proposed, it is unclear as to the extent of tree works which would be required to facilitate the development itself.
10. That said, it appears to me that some limited pruning back of the tree branches would not adversely affect the shape or amenity value of this tree, either from views from the neighbouring properties or longer distance views from the public realm. Furthermore, subject to acceptable details being agreed, such works would not lead to any long-term health or vitality issues. In my view, this could be adequately controlled by a suitably worded planning condition should I be minded to allow the appeal.
11. In coming to the above view, I acknowledge that it may be necessary to undertake repeated tree works. However, that would also have been the case had the 2011 permission been implemented. Additionally, I consider that this does not provide a justifiable reason to withhold planning permission for an otherwise acceptable development.
12. In addition to the above, reference is made to two trees within the curtilage of No 25A which have already been removed – a lime tree and a horse chestnut tree. From the evidence before me, it is understood that these were removed

¹ Reference 11/04748/HOU dated 9 December 2011

as it was thought that consent to do so was still extant². However, it is acknowledged that this had lapsed. As stated by the Council, there is a duty to replant these trees (the replacements being of an appropriate size and species at the same place) under section 213 of the Act unless the local planning authority dispenses with that requirement.

13. However, this is a matter away from the appeal planning application, particularly given that the appeal development is broadly on the same footprint as the existing buildings (albeit that the plans also show a patio area in the location of one of the removed trees). Having said that, the replacement trees do not need to be exactly in the same location as the ones removed and, in my view, there is sufficient space within the curtilage of the dwelling to allow for such replanting.
14. For the above reasons, the proposal would not adversely effect the character and appearance of the area, including the NPCA, and would accord with Policies DS2, EN3 and EN5 of the Bradford District Core Strategy Development Plan Document (2017) which amongst other matters seek to proactively preserve, protect and enhance the character and appearance of heritage assets, including trees. It would also accord with the overarching aims of the National Planning Policy Framework.

Other Matters

15. I have also had regard to the comments raised in response to the application regarding the fence and gate across the access driveway. Whilst this may result in access to the neighbouring garage being more difficult than the current situation, it would not prevent access. Furthermore, I consider that this is not a matter which would warrant the dismissal of the appeal.

Conditions

16. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.
17. As noted above, there is limited details of the exact nature of the works to the copper beech tree. It is therefore essential that the exact extent of the tree works is specified and a condition to secure that detail, is necessary in the interests of the amenity value of the tree and the character and appearance of the area, including the NPCA.

Conclusion

18. For the reasons given I conclude that the appeal should succeed.

Chris Forrett

INSPECTOR

² As a result of the non-determination of tree notification 11/03479/CPN, a notification for tree works in a Conservation Area.