



Appeal Decision

Site visit made on 24 February 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2022

Appeal Ref: APP/W4705/D/22/3291218

2 Sowden Grange, Thornton, Bradford BD13 3TH

- 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 Raziq Ali against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/05622/HOU, dated 5 November 2021, was refused by notice dated 24 December 2021.
 - The development proposed is described as the demolition of existing garage and construction of new garage with link extension to as-built single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although not cited in the appellant's description of proposed works, the proposed development includes the felling of trees.

Main Issues

3. The main issues are the effect of the proposed development on 1) the character and appearance of the area having specific regard to the removal of trees, and 2) the living conditions of occupants of the appeal property with regard to light.

Reasons

Character and appearance

4. The appeal property is a detached dwelling. It forms part of a cluster of detached properties that are notable for their landscape setting and the many substantial trees that are located within their grounds.
5. The proposed development includes the removal of two trees that are subject to a Tree Preservation Order¹. These trees are identified in the submitted Arboricultural Report² as T2 and T5. Tree ref. T5 is a Holly that has been identified as dead, being completely overgrown with Ivy and having no living canopy evident. For these reasons, it is identified as retention category 'U' - trees usually unsuitable for retention due to poor condition. The Council have raised no objection to the loss of this tree and for the reasons given above, I have no reason to form a different view.

¹ TPO 0078

² JCA Ref 17150/RB

6. Tree ref. T2 is a semi-mature common oak. It is identified as retention category 'B' - trees of moderate quality and value with a reasonable life expectancy (usually at least 20 years). Although the tree is situated to the rear of the property and would be partially obscured by the previous detached garage, and the proposed garage, due to its height it nevertheless is highly noticeable in the area, rising above the appeal property. It has significant amenity value and contributes to the enhancement of the verdant character of the area. Although replacement planting could be secured by condition, this would take time to establish and would not make the same contribution to the character and appearance of the area.
7. The removal of tree T2 would therefore cause significant harm to the character and appearance of the area and there are no benefits of the proposed development, including any perceived improvements to the appearance of the dwelling, that would outweigh this harm.
8. The proposed development would therefore be contrary to the requirement of Policy EN5 of the Bradford Core Strategy (2017) that protected trees which are healthy, and which have, or would have, a clear public amenity benefit are retained.

Living conditions

9. The appeal property has an existing rear garden area. In addition, there is a larger garden area to the front of the property that is largely unaffected by the proposed development.
10. The proposed garage building would be greater in height than the previous garage that has been demolished. The ridge of the proposed garage would, however, be set further from the rear garden area than that of the previous garage, with only a relatively small increase in the eaves height.
11. I observed that the rear garden area is, to some extent, already greatly impacted upon by the trees to the rear. When combined with the previous garage at the property, I do not consider that the proposed development would make the situation significantly worse. I also have given significant weight to the amenity space to the front of the property which given its size and siting provides a private and useable area of amenity space that is largely unaffected by the proposed development.
12. The same applies for the rear of the property and the amount of light it receives, whereby the amount of light pre-development would have been significantly impacted upon from the existing trees and the former garage building. I do not consider that the proposed development would make this situation significantly worse.
13. In coming to this conclusion, I have considered the dwelling as a whole in relation to light and amenity space, where overall, I consider that as a result of the proposed development it would remain of an acceptable standard.
14. Concern is expressed in relation to future pressure from occupants of the dwelling for the removal or pruning of the tree due to shading. As I have found that the proposed development does not have an unacceptable impact, I do not consider that it would equate to an increased pressure to remove the trees or carry out tree works.

15. I therefore conclude that the proposed development would not result in unacceptable living conditions for occupants of the appeal property with regard to levels of light. It would comply with Policy DS5 of the Bradford Core Strategy (2017) which requires, amongst other things, that development proposals should not harm the amenity of residents.

Conclusion

16. Although I have found no harm in respect of living conditions, this does not overcome the harm I have found would be caused to the character and appearance of the area.
17. The proposed development would therefore conflict with the development plan and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict.
18. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR