
Appeal Decision

Site visit made on 20 June 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/W4705/W/23/3317850

Red Gables, 59 Parish Ghyll Drive, Ilkley, Bradford LS29 9PR

- 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 Panama Properties LLP against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/01608/FUL, dated 1 April 2022, was refused by notice dated 5 September 2022.
 - The development proposed is Internal and external alterations including conversion of existing second floor flat and second floor extension to create additional (3) apartments.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description above has been amended to omit wording that is not a description of development.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the area with particular regard to any impact on trees protected by Tree Preservation Order (TPO) which overhang the eastern side of the site.
4. The second main issue is the effect of the proposal on the living conditions of future occupiers of the one bed flat on the front east side of the building with particular regard to outlook and natural light.

Reasons

Character and appearance

5. The appeal property sits within the particularly verdant south western side of Ilkley where significant tree cover at and around mainly residential properties makes a positive contribution to the character and appearance of the area.
6. The evidence indicates that approval has been granted previously for an extension to the rear at the eastern end of the building beneath the trees which originate outside of the application site.
7. The site assessment and impact report¹ identifies these trees as a semi mature mixed group G16 including Sycamore, Lime, Holly, Laurel, Elm, Ash, Beech and

¹ Ref tree report here

Yew with a life expectancy of 20 years plus. They contribute positively to the character and appearance of the area and are likely to be visible from other nearby properties and gardens.

8. However, the evidence indicates that the ridgeline of the rear extension now proposed would be higher than that previously permitted. It also appears to be the case that the roof form would be bulkier, with a crown roof now proposed as opposed to a regular pitch.
9. Whilst the increase in height would not be vast, it is likely that the increased height and bulk would mean that the roof would be much closer to coming into contact with the trees. This would be particularly likely to be the case during stormy weather when the tree branches would be moving. Further, there would remain little room for future growth of the trees which still have a good life expectancy.
10. The proposal would therefore likely increase the pressure for the trees to need dramatic reduction or removal in the future. This would have a significant adverse impact on the character and appearance of the area.
11. The proposal therefore conflicts with Policies DS2 and EN5 of the Bradford Core Strategy (2017) (BCS) which amongst other things require that designs work with the landscape to reduce the environmental impact of development and state that trees which contribute towards the character of a settlement will be protected.

Living conditions

12. The main living areas of the flat on the front east side of the building would be rather restricted. Whilst the bedroom would be provided with a well sized window offering a good level of outlook, that would not be the case for the lounge and kitchen diner area which would be served by a limited number of rooflights only.
13. These would offer only some level of outlook towards the sky, but this would be limited and would give rather an enclosed feel when using the main living area.
14. Further, those rooflights would be focussed on the southern side of the main living area. Given this, and by reason of the presence of a large chimney breast which divides the lounge and dining area, there is likely to be real constraint on daylight to parts of these rooms.
15. The proposal would therefore have a significant adverse effect on the living conditions of future occupiers of the one bed flat on the front east side of the building with particular regard to outlook and natural light.
16. The proposal would therefore conflict with Policy DS5 of the BCS and Policy INDP5 of the Ilkley Neighbourhood Development Plan (2022) (NP) which amongst other things require that proposals make a positive contribution to peoples lives by not harming the amenity of prospective users and minimising the impact on future amenity of residents.

Other Matters

17. Regardless of levels of parking indicated, information presented in this regard is limited and there do not appear to be proposals within the scheme before me to alter the parking arrangements. I have been able to consider the tree issues

at the site on the basis of the Arboricultural evidence that is before me. Were I minded to allow the appeal, it is likely that minor inconsistencies within plans could be something that could be resolved via condition.

18. The site is within the Zone of Influence for the South Pennine Moors Special Protection Area (SPA) & South Pennine Moors Special Area of Conservation (SAC). A unilateral undertaking is supplied relating to a mitigation payment. However, I have not considered this matter in detail given my findings on the main issues.

Other Considerations

19. Set against the harm identified there would be social and economic benefits associated with the proposal. The units would contribute to the overall supply of housing and would provide some support to the local economy both during and after construction within a sustainable location within Ilkley.

Planning Balance

20. The Framework² places significant emphasis on achieving well designed places. At paragraph 130, amongst other things, it states that planning decisions should create places which promote health and well-being, with a high standard of amenity for future users. At paragraph 131 it advises that trees make an important contribution to the character and quality of urban environments.
21. Therefore, the conflict between the proposal and policies DS2, DS5 and EN5 of the BCS and Policy INDP5 of the NP should be given significant weight in this appeal. As the proposal would be contrary to these policies, there would be conflict with the development plan as a whole.
22. The evidence indicates that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that the shortfall is of significance. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. I accept that there would be economic and social benefits associated with the provision of the scheme and acknowledge the deficiency in supply of deliverable housing sites. However, the contribution would be small in relation to three units and I have identified adverse impacts associated with the proposal. When considered together, I afford these adverse impacts significant weight.
24. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

² National Planning Policy Framework 2021.

Conclusion

25. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal should be dismissed.

T J Burnham

INSPECTOR