



Appeal Decision

Site visit made on 19 November 2024 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2024

Appeal Ref: APP/W4705/D/24/3349143

23 Park Drive, Eldwick, Bingley, Bradford BD16 3DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs I Holdgate against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/01436/HOU.
 - The development proposed is for an assisted living annexe.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are a) the effect of the proposed development on the character and appearance of the area with particular regard to trees and b) the principle of the proposed development with specific regard to its size and intended use.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is an attractive large detached property with a garden surrounding it. There is a row of mature trees situated along the rear boundary of the garden and the perimeter but outside of the site that form part of the Prince of Wales Park. There are open fields beyond the rear of the property. The lush and verdant feel of the appeal site by virtue of the prominence and maturity of the trees, the open and undeveloped feel of the garden and its association with the fields beyond lend a pleasant naturalness which contributes positively to the character and appearance of the area.
5. The proposed annexe would be situated underneath the canopy spread of four of the trees along the rear boundary and within their root protection areas. The proposal would also be within the crown spread of a mature tree outside of the appeal site and include the removal of some smaller trees at the site. The proposal includes several construction methods that seek to limit any damage.

These include but are not limited to hand digging, root scanning and pile and beam construction.

6. That being said, owing to the scale of the building and its proximity to more than one mature tree of high quality, there would inevitably be some damage. This could be through the minor pruning which would be undertaken or through the location of sensitive roots being underneath the building. The position of the building would also mean that there may need to be regular pruning of the canopy spread to protect the building once occupied which could lead to them having a contrived appearance that would erode the pleasantness that the trees currently contribute to. In addition, the proposed annexe would create a shield in front of the trees that would erode the positive visual contribution that they give to the site and the wider rural area beyond the garden.
7. Given the size of the plot overall and the limited information pertaining to why the annexe has to be in the position proposed, I cannot be satisfied the above harms could be successfully avoided. The proposed development would therefore be harmful to the character and appearance of the area, and the trees in question specifically. This would lead to conflict with Policy EN5 of the City of Bradford Core Strategy Development Plan document 2017 which seeks to preserve the contribution that trees make to the character of the district.

Principle of Development – Size and Use

8. There is no planning harm alleged by virtue of the annexe being as large as it is proposed. There would be a functional link between it and the parent dwelling given their close proximity and shared access, garden and parking. Furthermore, the future occupant of the annexe would be a family member that would receive support from the residents of the main property. I agree that the proposed annexe would be large and could be capable of being used as a separate dwelling however that is not the proposal before me, and the occupation thereof could be controlled with a planning condition. I am not aware of a reason why, as a development plan policy derivation or otherwise, there could not be more than one annexe on the appeal site.
9. The appeal scheme was submitted as a householder planning application. I am aware of the interpretation of such in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) (DMPO). Nevertheless, the Council considered the scheme as a householder application and made a decision. Hence the subsequent appeal being considered through the householder appeals service. Essentially, and taking into account the above, there is nothing sufficiently compelling to suggest that the scheme would not be for the use intended by the appellant.
10. The Council has not referred me to the development plan in regard to this main issue and, as I have set out, I see no conflict with the DMPO. The principle of the proposed development would therefore, having regard to the evidence presented, appear to be acceptable.

Other Matters

11. The appellant has advised that there have previously been concrete and tarmac paths near the trees on the rear boundary of the site. I have not been provided with any further details of these but given the scale of the proposed development I do not feel this would, or could, lessen the harm that I have

identified above regarding the character and appearance of the area. I also, taking into account my findings on that main issue, do not believe that the imposition of conditions would be sufficient to overcome the harm that would be caused to the trees in question.

Conclusion and Recommendation

12. Whilst I have found a lack of harm relating to the second main issue, this would be neutral and thus incapable of weighing in favour of the appeal scheme. I have found that there would be harm and subsequent development plan conflict regarding the first main issue. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR