
Appeal Decision

Site visit made on 29 April 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/W4705/W/25/3361182

65 Bolling Road, Ilkley, Bradford LS29 8QA

- 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. Graham Butterworth against the decision of the City of Bradford Metropolitan District Council.
 - The application reference is Ref: 24/03139/FUL.
 - The development proposed is described as 'Two storey detached dwelling.'
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Decision

1. The appeal is allowed and planning permission is granted for a two storey detached dwelling at 65 Bolling Road, Ilkley, Bradford LS29 8QA in accordance with the terms of the application, 24/03139/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant lodged final comments regarding the appeal on 30 April 2025, after the deadline of 21 April 2025. I have discretion to accept late evidence and, in this instance, I have agreed to accept the appellant's late final comments, as a reasonable explanation for the delay was provided.
3. The appellant at the same time lodged details of an amended scheme for which a planning application has been submitted under Ref. 25/00069/FUL. This was referred to in the appellants final comments. The Council have declined to determine that application under the provision of Section 70B of the Town and Country Planning Act 1990. I have not had regard to that revised application as part of my determination of this appeal.

Main Issues

4. The main issues in this case are:
 - The effect of the proposed development on the character and appearance of the surrounding area, including the likely long-term effect on protected trees.
 - The effect of the proposed development on the living conditions of future occupiers with particular regard to outlook and access to daylight.

Reasons

Character and Appearance

5. The appeal site is located on Bolling Road, an arterial route into Ilkley town centre. The area near the appeal site is generally suburban in character, featuring trees and other vegetation that contribute to a pleasant residential environment. There is diversity in building styles, with a focus on the use of stone and render as elevational treatments. Dwellings are predominantly two storeys in height, with some exceptions. Building line setback distances from the highway are generally consistent. Buildings situated on the northern side of Bolling Road are positioned lower than the carriageway due to the sloping topography, which descends away from the road.
6. The appeal site is located between the main dwelling at 65 Bolling Road (No 65) and a line of trees subject to a Tree Preservation Order (TPO). It previously accommodated a large wooden single-story structure that was ancillary to the main dwelling, which has been removed. An extant planning permission exists for the erection of a double garage on the site under Ref: 24/00105/HOU. On my site visit I was able to see that initial ground works which appear associated with the construction of the permitted garage had commenced.
7. In its current form, the site makes a limited contribution to the character and appearance of the area. Its location, below the level of the main road, restricts its visibility. Regarding the appeal site's role in defining the setting of the main dwelling at No. 65, it is not a significant feature. No. 65 is situated close to the adjacent dwelling at No. 67 Bolling Road.
8. It is proposed to construct a two-storey detached dwelling with a roof ridge height approximately equal to the eaves of the existing No. 65. This lower height is achieved by incorporating the first-floor living area partially within the roof space. As a result, the structure remains subservient in scale to the main dwelling. The use of a similar design and elevational treatment to the main house would also ensure that the building blends with its setting and does not appear incongruous. The building line is consistent with the main dwelling. In this regard, I find that the proposal aligns with the Council's *Homes and Neighbourhoods: A Guide to Designing in Bradford* Supplementary Planning Document (SPD) Principle 2.5, which, among other things, states that new dwelling frontages must relate to existing building lines and should contribute to an appropriate character that reflects the local street scene. This includes referencing elements such as scale, building rhythm, proportion, height, materials, and colour.
9. The proposed building is set away from the adjacent tree canopy to the west. In doing so the treeline will maintain an attractive backdrop to the proposed and host dwellings.
10. The proposed dwelling is positioned in the same location and within the same building envelope as the permitted double garage under Ref: 24/00105/HOU, as referred to above, for which construction on-site has commenced. In terms of visual appearance, the proposal is not significantly different from the approved garage.

11. Although dwellings in this part of the road are large, they are not characterised by open settings, which is therefore not a defining element of the area's character. The proposed dwelling is proportionate within its plot with adequate amenity space at the rear and an area for parking at the front. It appears somewhat screened by the host dwelling when approaching from the east and its presence would not be discordant in this context. The presence of trees to the side/rear and the dwelling's lower height give the perception that the dwelling is not confined, rather it has an attractive sylvan backdrop.

Impact on Protected Trees

12. An Arboricultural Impact Assessment/ Arboricultural Method Statement and Tree Protection Plan prepared by an arboriculturist was provided with the application. A small part of the proposed dwelling would encroach into the Root Protection Areas (RPA) of one of the protected trees to the west of the site. The proposed dwelling would be constructed on piles located outside of the RPA of any tree and would ensure that there is a very low risk of damage to the protected trees from the proposed dwelling. Furthermore, I have no evidence to the contrary from the Council's advisers on Tree matters. I am satisfied that the proposed development would not have any direct impact on protected trees and I am satisfied that any direct impact of the proposed development on the adjacent trees can be adequately managed by means of condition.
13. Notwithstanding the presence of two habitable room windows facing north, I am satisfied that the design of the proposed dwelling—including the main living area at first-floor level, two roof lights, and a large window in the front southern aspect—would ensure that any potentially harmful effects from the trees, in terms of overshadowing or loss of natural light, would be successfully avoided.
14. The garden area is spacious and would benefit from the amenity provided by its proximity to the trees and Backstone Beck, offering both privacy and access to nature. In reaching this conclusion, I have considered the relationship between the recently constructed dwellings at The Heathers, to the northeast of the appeal site, and the tree band, which is similar to that proposed.
15. The protected trees appear relatively mature and are in a location directly adjacent to what is currently a domestic garden attached to No. 65. The Council make the point that there is likely to be added pressure for works such as removing branches and focused pruning associated with a dwelling on the site. The existing relationship generates pressure for management of the trees as they relate to the adjacent garden. Any works to the trees would be subject to consent from the Council and therefore any inappropriate works could be prevented. I have not been presented with evidence to demonstrate that extensive works to the tree canopy, which could harm the positive contribution they make to the character and appearance of the area, would be facilitated by the proposed development.
16. While I accept the Council's point that there would be additional activity associated with a dwelling on the site compared to that of a domestic garage as permitted, I do not accept that there would be a fundamental material change in the relationship between the building and the trees. No evidence has been presented to explain why the greater activity from the dwelling and its associated usage—both from the proposed dwelling and the garden—would have a harmful impact on the protected trees.

17. For the above reasons, I am satisfied that the proposal would have an acceptable effect on the character and appearance of the surrounding area, including the likely long-term effect on protected trees. The development would therefore comply with Policies DP1, DP3, DS2 and EN5 of the *Local Plan for Bradford Core Strategy Development Plan Document* (2017) (the Local Plan) and Policy INDP5 of the *Ilkley Neighbourhood Development Plan 2020-2030* (the Neighbourhood Plan). These policies require that proposals should, among other things, achieve good design and be appropriate to the context in terms of layout, scale, density, details, and materials. They also seek to integrate development into the landscape and to preserve and enhance the contribution that trees and areas of woodland make to the character of the district.

Living conditions of future occupiers

18. The main living space in the proposed dwelling is an open-plan kitchen and living area located at first-floor level. This space benefits from several sources of natural light, comprising windows in both the front and rear elevations of the building, as well as two roof lights. Given the size of this area and the fact that the large primary window on the front elevation faces south towards the road, I am satisfied that this space would enjoy a satisfactory outlook and adequate levels of natural light.
19. The front ground-floor bedroom has a very large window with a southerly aspect, which would provide a good outlook and a high level of light penetration. The rear bedroom has a northerly aspect, and I note that the rear garden area is bounded to the east by the existing No. 65 dwelling and to the west by the tree line, which would reduce the potential for daylight penetration. However, considering the distance between these features, which I was able to assess on-site, the likely intended use of this room as a secondary bedroom in the context of the overall layout of the dwelling, the significant size of the window relative to the size of the room, and the fact that the outlook would be onto a large private garden, I find that it would benefit from a satisfactory outlook and access to daylight.
20. I therefore find that for the above reasons the proposal would be acceptable and would not harm the living conditions of future occupiers of the proposed development with regard to outlook and access to daylight.
21. The proposal therefore accords with Principle 3.2 of the SPD, Policy DS5 of the Local Plan and Policy INDP5 of the Neighbourhood Plan. These amongst other things require that development does not harm the amenity of existing or prospective users and residents and also that habitable rooms have a pleasant outlook to nature where possible.

Other Matters

22. Representations have been made by an interested party living adjacent to the site, and several consultation responses were received during the planning application stage. I am satisfied that the proposed dwelling would not harm the living conditions of occupiers to the west of the site across Backstone Beck due to overlooking, overshadowing or overbearance. The separation distances to these properties, together with the visual barrier created by the existing tree belt, effectively mitigate any potential for harm.

23. I acknowledge the concerns raised by local residents in relation to flood risk, riparian stability, ecology and highways. However, based on the evidence before me and my site visit, I find no reason to disagree with the Council's conclusions on these matters that the proposals are acceptable in these regards.

Conditions

24. I have considered the conditions put forward by the Council against the tests set out in the National Planning Policy Framework and where necessary I have amended the wording in the interests of effectiveness and precision. The appellant has had the opportunity to review and comment on the Council's proposed conditions.
25. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans.
26. Measures are necessary to safeguard the protected trees on and adjacent to the site, ensuring they are adequately protected in the interests of amenity and in accordance with Policy EN5 of the *Local Plan*. Conditions are imposed which require tree protection measures to be in place at the point development works start. These are necessary to safeguard the tree from damage.
27. Conditions relating to foul and surface water drainage are necessary to protect the amenity of future occupiers, prevent pollution, and effectively manage flood risk, in line with Policies DS5, EN7, and EN8 of the *Local Plan*.
28. Details of the off-street parking facility for both the new and existing dwellings, as shown on the approved plan, along with specifications for construction materials—including the use of porous materials—are required in the interests of highway safety, drainage, and to comply with Policies TR2, DS4, and EN7 of the *Local Plan*.

Conclusion

29. I have found that the proposal complies with the development plan and no material considerations have been identified which would indicate that the requirements of the development plan should be set aside.
30. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

F P Tinsley

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 1. Existing site plan
 2. Existing East and West Elevations
 3. Existing South and North Elevations
 4. Existing Roof Plan
 5. Flood Risk Assessment Rev C
 6. Habitat Mitigation Agreement
 7. Location Plan and Existing Site Plan
 8. Proposed Site Plan
 9. Proposed Ground and First Floor Plan
 10. Proposed Roof Plan
 11. Proposed South and North Elevations
 12. Proposed West and East Elevations
 13. Design and Access Statement
 14. Tree Protection Plan
3. All trees shown on the approved drawings to be retained, including any trees whose canopies overhang the development site, shall be protected throughout the construction period with tree protection fencing or other tree protection measures that are in accordance with BS 5837: 2012 Trees In Relation to Construction.

When development works begin, including any demolition, site preparation or ground works, or any materials or machinery is brought on to the site, the tree protection fencing and other tree protection measures must be installed in accordance with the specifications and in the positions described in the Arboricultural Impact Assessment/Arboricultural Method Statement and Tree Protection Plan ref: BA230314 TPP-M P, received on the 19.08.2024 that accompanied the planning application.
4. The tree protection measures, shall remain in place for the duration of the construction period, and shall not be removed or altered except in accordance with such phasing proposals as are described within the Arboricultural Method Statement or in accordance with alternative tree protection details that have been formally approved. There shall be no excavations or alteration of ground levels within the tree protection areas/construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within them.

5. The development hereby permitted shall be drained using separate foul and surface water drainage systems.
6. Notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage have been submitted to and approved in writing by the local planning authority.

These details shall be based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce the development's effect on the water environment. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable would disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to a rate to be agreed with the Lead Local Flood Authority.

The development shall thereafter only proceed in strict accordance with the approved drainage details.

7. No drainage works shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.
8. Before any part of the development hereby permitted is brought into use, the off-street car parking facility for both the new and existing dwellings shown on the approved plan shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, with a gradient no steeper than 1 in 15. The parking so formed shall remain available whilst ever the development subsists.

******End Of Schedule******