



Appeal Decision

Site visit made on 4 December 2025

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/W4705/W/25/3369124

Wheatley Chase, Ben Rhydding Drive, Ilkley, Bradford LS29 8BD

- 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 Andrew Megson against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 25/00888/HOU.
 - The development proposed is replacement garage with ancillary living space and associated hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for replacement garage with ancillary living space and associated hardstanding at Wheatley Chase, Ben Rhydding Drive, Ilkley, Bradford LS9 8BD in accordance with the terms of the application, Ref 25/00888/HOU, subject to the conditions in the attached schedule.

Preliminary Matters

2. Although the appeal site is within the Green Belt, the Council has concluded that although there would be some loss of openness, the proposal is not deemed to be disproportionate with regard to paragraph 154 of the National Planning Policy Framework. Moreover, there is an extant permission for a similar sized garage on the footprint of the development before me. I see no reason to disagree with the Council with regard to the effect of the development on the Green Belt, and in any case the extant permission represents a viable and realistic fallback.
3. I have used the description of development given on the application form in the banner. There is nothing before me indicate that the appellant agreed to a change of wording and in any case, demolition is not development.

Main Issues

4. The main issues are:
 - Whether the development represents ancillary accommodation in accordance with the local development plan and national guidance, and;
 - The effects of the development on the character and appearance of the area, with particular regard to trees.

Reasons

Ancillary accommodation

5. The development would provide accommodation that could be used as a self-contained first floor flat.
6. The Council's concern appears to be that the development would not be ancillary to the main dwelling. However, the courts have found that even if proposed accommodation is likely to provide facilities for private day to day existence, it would not necessarily become a separate planning unit from the main dwelling¹. Moreover, the given that the ground floor would be a garage, there would be functional links between the building and the main dwelling. The proposed building would also be subservient to the main dwelling in bulk and scale, and would share the main drive for most of its length.
7. In addition, the description of development is consistent with its proposed use as part and parcel of the existing dwelling. Consequently, there is nothing before me to indicate that this is a proposal for a separate dwelling. Furthermore, in its decision the Council has not cited policies that restrict the provision of additional living accommodation or raised a concern in relation to the development's possible future use as a separate dwelling.
8. As such, I find no conflict with Policies DS1, DS3 of the Local Plan (LP) or Policy INDP5 of the Ilkley Neighbourhood Plan which are concerned with good design.

Character and appearance

9. The dwelling Wheatley Chase sits within a large plot on rising ground, with extensive gardens containing mature trees. The development would result in the loss of a large conifer which is not shown on the plans. However, as this would need to be removed to implement the extant permission, I give this loss little weight in my reasoning.
10. Reference is made in the officer report to protected trees, but these appear to be some distance from the appeal site and on neighbouring land. There are two large oaks near the appeal site, but I am satisfied that standard tree protection measures, imposed through condition, could mitigate construction impacts.
11. There is a medium sized cherry tree directly to the rear of the proposed building's footprint and it is likely that this would be adversely affected by the development. However, it is not protected, and although the Council has policies which have an overarching intent to protect the natural environment, this is an ornamental tree of moderate quality only, in a garden setting. Even if it requires the cutting back of some of its crown, this would have a negligible adverse effect on the garden's appearance and biodiversity value. Moreover, no harm has been found by the Council in relation to the local landscape character, or views from public vantage points. This in itself appears inconsistent with the reasons for refusal given on the Council's decision, which refer to harm to visual amenity.
12. The officer report notes that there has been pre-emptive removal of trees but I did not see any evidence of this in the vicinity of the appeal site. In any case, no trees within the plot are protected.

¹ Uttlesford DC v SSE & White [1992] JPL 171, Gravesham BC v SSE & O'Brien [1983] JPL 306

13. The development would not have an adverse effect on the character and appearance of the area with particular regard to trees, and there would be no conflict with LP Policy EN5 or NP INDP13, both of which are concerned with the protection of biodiversity.

Conditions

14. The Council has suggested conditions, including the standard time and drawings condition. Given the proximity of mature trees to the development site I have also imposed a pre-commencement condition requiring tree protection measures to be undertaken during the construction period to protect those trees. I have amended the suggested text in line with best practice.

Conclusion

15. For the reasons set out above the appeal is allowed.

A Edgington

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby approved shall only be carried out in accordance with the following approved plans:

LOCATION PLAN 4929_GA-01
EXISTING TOPOGRAPHICAL SURVEY 4929_GA-02
SITE PLAN AS EXISTING 4929_GA-03
SITE PLAN AS PROPOSED 4929_GA-05
FLOOR PLANS AS PROPOSED 4929_GA-07
ELEVATIONS AS PROPOSED 1 4929_GA-08
ELEVATIONS AS PROPOSED 2 4929_GA-09
TREE PROTECTION PLAN 4929_GA-06
EXISTING ELEVATIONS 4929_GA-04

3. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.