
Appeal Decision

Site visit made on 6 December 2016

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 December 2016

Appeal Ref: APP/Z3445/D/16/3160801

27 Merganser, Wilnecote, Tamworth B77 5NL

- 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 Anthony Buttery against the decision of Tamworth Borough Council.
 - The application Ref 0166/2016, dated 25 April 2016, was refused by notice dated 15 August 2016.
 - The development proposed is a side two storey extension and attached single garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on protected trees.

Reasons

3. There are two large Hornbeam trees to the side of the property which are protected by a Tree Preservation Order (TPO)¹. The appellant states that this TPO was made during the determination of the application and that had the Council made a decision on the application before their target date, the TPO would not have been in place. Nonetheless, the TPO is in place and I must determine the appeal on the basis of the current circumstances of the case.
4. The two trees are prominent features in the street scene, being visible from positions along Merganser to the south east, from Osprey to the east and from Nightingale to the north. Indeed, there are no other trees near the site that make as significant a contribution to the street scene as these two.
5. To the side of the house there is currently a single garage and beyond that a short section of boundary wall. The existing garage would be replaced with the proposed two storey side extension and the front of the proposed single garage would be approximately in the position where the boundary wall currently stands.
6. It is not disputed that the proposed single garage would be around two metres from the trunk of T1, and around three metres from the trunk of T2, as labelled on the TPO plan. As the development would be positioned close to the trunks of these trees it is highly likely that the excavations for its foundations would

¹ 01/2016

cause extensive damage to the roots of both these trees and so would most likely threaten the vitality of the trees, leading to their loss.

7. Notwithstanding this, in order to accommodate the garage, the removal of a large number of the branches of both trees would be necessary. This work would also adversely impact upon the health of the trees and, even if the trees were to survive, would adversely affect their visual contribution to the street scene.
8. As such the proposal would be likely to cause damage to the protected trees which would most likely lead to their loss which, due to their prominence in the surroundings, would have a harmful effect on the character and appearance of the street scene.
9. Consequently the development would be contrary to Policy ENV4 of the Tamworth Borough Local Plan which advises that development which would result in the loss of any tree which contributes significantly to its surroundings will be resisted.

Conclusion

10. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR