
Appeal Decision

Site visit made on 6 February 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/H4315/W/16/3161341

1 Wesley Hall Gardens, Thatto Heath, St Helens WA9 5JQ

- 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 Ms L Hunte against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref P/2016/0459/FUL, dated 2 June 2016, was refused by notice dated 8 August 2016.
 - The development proposed is the construction of a detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area including protected trees.

Reasons

3. The appeal site forms part of the front garden area of No 1 Wesley Hall Gardens which includes a number of mature protected trees and other vegetation. The land fronts Nutgrove Road and provides an undeveloped, green and wooded environment at the entrance to the cul-de-sac (Wesley Hall Gardens) of five relatively large detached dwellings which surround the grade II Nutgrove Hall. This pattern of development is repeated on the other side of Wesley Hall Gardens where there is an attractive group of trees and undeveloped land. This pleasant, green and wooded setting, with large detached houses set well back from Nutgrove Road, gives this part of the locality its distinctive character. Whilst there are a number of evergreen trees on the boundary fronting Nutgrove Road, the site can still be seen between such trees and also from the more open parts of the site when approaching from the south (including the nearby public footpath).
 4. I acknowledge the evolution of the development proposal and the fact that the appellant has previously proposed two dwellings on the site. However, I consider that the erection of a dwelling on this site would fundamentally detract from the green, wooded and undeveloped nature of the land which fronts Nutgrove Road. Such an adverse impact would be compounded by the fact that scale of the dwelling would be at odds with the more imposing dwellings of Wesley Hall Gardens. I acknowledge that there are bungalows to the north of the site (including bungalows fronting Nutgrove Road), but these do not include any dormers. The inclusion of dormers adds to my concerns about the overall
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adverse effect of the development upon the character and appearance of the area.

5. The appellant has submitted an Arboricultural Implications Study and Arboricultural Method Statement. However, this is deficient in that it does not show the position of the dwelling in relation to the precise position of the tree root protection zones. The only plan which shows both the proposed dwelling and the protected trees is the proposed block layout plan. The circles around the protected trees seem to reflect the canopy of each tree. However, it is not necessarily the case that this automatically equates to the extent of the roots. Indeed, the Council's Trees and Woodlands Officer has commented that the root system for tree T4 extends (as do others apart from trees T2 and T5) well beyond the canopy. I am not sure how the Trees and Woodlands Officer reached this view, but it does suggest that there is a need for more information about this matter.
6. On the evidence that is before me, I have insufficient information from the appellant about the exact effect that the development (including protective fencing at construction stage and the position and extent of underground services) would have upon the root system of each tree. I am not clear how the appellant has calculated the root protection zones, and I am not satisfied that the assessment fully complies with British Standard 5837 2012. This is an important consideration given that the trees are the subject of a Tree Preservation Order and as a number of them are category A trees.
7. Even if the appellant were to demonstrate that the proposal would not have an adverse effect upon the roots of the protected trees, I would still have concerns about the proposal in so far that it is proposed to crown lift tree T4 by 8 metres and to crown reduce it by 2 metres. This in itself would cause some harm to the amenity value of the tree. Furthermore, given the proximity of a number of the trees to the proposed bungalow, it is quite likely that there would be future pressures to undertake further work to the trees as a means of increasing light penetration and minimising leaf fall.
8. For the collective reasons outlined above, I conclude that the erection of the proposed dwelling would cause harm to the character and appearance of the area. Even if it was possible to erect a dwelling on the site without it causing harm to protected trees, this would not overcome the identified concerns relating to the overall effect upon the undeveloped, green and wooded area which provides a very distinctive and pleasant entrance into Wesley Hall Gardens. Therefore, the proposal would not accord with the design and amenity aims of Policy CP1 and CQL2 of the adopted St Helens Core Strategy 2012 and saved policy ENV12 of the adopted St Helens Unitary Development Plan 1998.

Other Matters

9. I have taken into account representations made by other interested parties. Many of the comments made have already been addressed above. I have no reason to disagree with the Highway Authority that the proposal would be acceptable in terms of access and traffic generation subject to the imposition of planning conditions. I note the comments made about construction traffic and associated disturbance, but had the appeal been allowed this could have been dealt with by means of a planning condition.

10. None of the other matters raised outweigh my conclusion on the main issue.

Conclusion

11. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR