
Appeal Decision

Site visit made on 3 May 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/H2835/W/16/3165904

119 Overstone Road, Sywell, Northampton NN6 0AW

- 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 Tom Matthews against the decision of the Borough Council of Wellingborough.
 - The application Ref WP/16/00256/FUL, dated 5 May 2016, was refused by notice dated 10 August 2016.
 - The development proposed is the erection of a new detached dwelling house and 2 car detached garage with off road parking and landscaping.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Tom Matthews against the Borough Council of Wellingborough. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of the occupiers of the neighbouring property at 113 Overstone Road with respect to their outlook, and the effect on protected trees.

Reasons

Living conditions

4. The proposal would be a large detached dwelling. It would be separated from the side boundary with No 113 by a fence, which varies in height between around one and two metres, and by thick laurel bushes around five metres in height, some of which would need to be removed to facilitate the development.
 5. The neighbouring property at No 113 has its kitchen window and a sitting room window facing the site, though the sitting room also receives light through a rear conservatory. These two windows would face the side elevation of the development and from them the proposed house would appear overbearing due to its proximity to the boundary, its substantial height above the fence and bushes, and its depth. In addition, the dwelling would appear oppressive from the patio at No 113 which would lead to a sense of enclosure for its users.
-

6. I accept the laurel bushes already appear prominently from the neighbouring property and would screen a proportion of the flank elevation of the house. I also note the hipped roof design of the development. Nonetheless, despite these factors, I consider the development would have a harmful effect on the outlook from the neighbouring property which would be to the detriment of the living conditions of its occupiers.
7. Consequently the proposal would conflict with Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy (NNJCS) which aims to ensure development protects the amenity of neighbouring properties.

Trees

8. There is a collection of trees in the northern corner of the site which are protected by a Tree Preservation Order¹.
9. Two tree surveys have been undertaken by the appellant. The first was submitted with the application, the second with the appeal. These reports differ in their assessment of the trees on site, but I give greater weight to the latter. This is partly because it is more contemporary, but also because it recommends the removal of two horse chestnut trees, referred to as T2 and T3, due to their unsound condition, which the Council concurred with by granting consent for their removal². The earlier report had suggested these two trees were in good condition. The Council's agreement to the removal of T2 and T3 suggests the second report is more reliable.
10. The proposal seeks to remove a further two trees of the TPO group; an oak (T7) and an ash (T5). From my site visit the more dominant trees on the site are the larger hornbeam (T6), horse chestnut (T1) and sycamore (T4).
11. The horse chestnut, ash, and particularly the hornbeam, appear prominently in the street scene when viewed from the west. However from this direction, the ash appears crowded out. The oak has a limited presence from this direction. Views of these trees from the east are partly obscured by the silver birch trees to the front of the neighbouring dwelling. The removal of these two trees would therefore not materially affect the appearance of the group in the street scene.
12. Also with specific reference to the ash, the second tree survey suggests it is showing signs of die back and should be removed. Following the submission of the second tree survey, the Council did not observe the tree from within the site and so, though they opine there is no evidence of die back, I give limited weight to their view.
13. With respect to the oak, the second tree survey advises its removal would be of benefit to the future growth of the hornbeam. The Council suggests its removal could have allowed the retention of another nearby oak tree which has already been removed. Though they may regret the loss of that other oak tree, I cannot attest to its value nor give it any weight in my decision.
14. The hornbeam is identified to be retained, but a small proportion of its Root Protection Area (RPA) would be covered by the proposed garage, and a larger part would be covered by the driveway which, due to topography, could be laid

¹ Ref No. T9/115

² WP/16/00721/TPO

over the roots. The tree survey demonstrates that less than 20% of the RPA would be covered by the garage and the driveway would be constructed of permeable material. I have no evidence before me to demonstrate this would not be acceptable in respect of this tree's retention.

15. In summary, despite the removal of the oak and ash, the visual contribution of the remaining trees as a group to the character and appearance of the area would be substantially retained. As such the proposal would accord with Policy 3 (a) and (b) of the NNJCS which seeks to ensure development maintains the local landscape, and Policy 8 (d) (i) of the NNJCS which requires development to respond to the site's immediate context. However this does not outweigh the harm the proposal would cause to the living conditions of the occupiers of the neighbouring property.

Conclusion

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

Andrew Owen

INSPECTOR