
Appeal Decision

Site visit made on 9 May 2017

by Rory MacLeod BA MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/Q1445/W/17/3166625

1 Surrenden Crescent, Brighton BN1 6WE

- 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 Greenplan Designer Homes (Burgess Hill) Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01808, dated 13 May 2016, was refused by notice dated 12 December 2016.
 - The development proposed is demolition of an existing dwelling (6 bed) and erection of three dwellings (one x 3 bed & two x 5 bed) with associated landscaping, parking, access, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area with particular reference to the loss of a protected alder tree.

Reasons

3. Surrenden Crescent comprises mainly detached houses set within large plots. Soft landscaping within the gardens and mature street trees set within the wide grass verges on both sides of the road contribute to a spacious verdant character. There is also an area of woodland fronting the road adjacent to the appeal site.
4. There is variety in the size and design of the dwellings and curtilages in the area. The appeal site is of unusually large size with a long frontage to Surrenden Crescent. The proposal to replace the present single dwelling and garage block with three detached houses would result in buildings being closer to four trees at the site which are protected by tree preservation orders. An ash tree towards the rear of the site and an alder tree close to the western boundary would be removed. A western red cedar, also close to the western boundary but to the rear of the alder tree, and a tulip tree on the site frontage are proposed to be retained.
5. The alder tree has a high straight trunk and an even canopy spread. It is located sufficiently apart from the western red cedar and other trees that the view of its profile appears free from obstruction by other trees from many

viewpoints. There are street trees that obstruct views of the alder from some parts of Surrenden Crescent, particularly to the south-west, but directly in front of the appeal site, the street trees are more widely spaced and one is relatively small. As a result, the alder tree appears as a distinct and prominent feature against the skyline when viewed from positions opposite the site even with the lower tulip tree in the foreground. The alder is also a conspicuous feature when viewed from the gardens and houses in Peacock Lane to the north-west of the site, which are on lower ground, and from the footway in front of properties to the east in Surrenden Crescent. The appellant has asserted that the alder tree's visibility and contribution to the character of the area is compromised by the presence of other trees when viewed from more distant positions, but from the closer locations I have identified, the tree is a conspicuous feature.

6. I note that the alder tree was not included in the Tree Preservation Order made in 1984, but only in a more recent Order. There is dispute between the main parties on the merits of the tree in relation to the scoring of a formal assessment using the Tree Evaluation Method for Preservation Orders (TEMPO). The tree appears to be in good health and is widely visible. In my opinion the alder tree makes a significant contribution to the verdant character of the area that I have identified and is worthy of its status as a protected tree.
7. Policy QD16 of the Brighton and Hove Local Plan (retained policies March 2016) states that development which would damage or destroy a preserved tree will not be permitted unless, the development is of national importance or essential to meet recognised social and / or economic needs which cannot be located elsewhere and there is no practicable way to retain the tree. Supplementary Planning Document 06, Trees & Development Sites (adopted 23 March 2006), provides guidance on best practice for the protection and retention of trees on development sites. The location of the alder tree does compromise the proposed layout of houses on the site.
8. The provision of additional housing units is an important benefit arising from the proposals. The three houses proposed are of a size and design that are in keeping with the character of detached houses in the road and the proposals would make a contribution to meeting the Council's housing need. However, to my mind, this benefit is outweighed by harm to the character of the area arising from the loss of the alder tree. Although the tree is positioned at a mid-point in the site's depth, along the optimal axis for building new houses, the precise location close to the site's western boundary does not preclude the residential redevelopment of the site. Having regard to the overall size and shape of the site, there would be practicable ways to retain the tree and develop the site. As such, I find that the proposals are in conflict with Policy QD16 of the development plan.
9. The appellant points out that the layout of the houses has been designed so that there would be no significant effect on the living conditions for the occupiers of dwellings close to the site, and the Council has not raised an objection on this issue. The appellant has also offered to provide a replacement for the alder, and for the ash tree that would also be lost, as part of a comprehensive landscape plan for the site. However, in my opinion, these factors do not compensate for the harm to the character of the area arising from the loss of the alder tree.

Conclusion

10. The development involving the loss of the protected alder tree would have a significant adverse effect on the character and appearance of the area and would be contrary to development plan policy. As such, the appeal should be dismissed.

Rory MacLeod

INSPECTOR