
Appeal Decision

Site visit made on 27 June 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/H1033/W/17/3169199

Land fronting Talbot Road, adjacent to Talbot House, and part of the grounds of Northwood House, 88 North Road, Glossop, Derbyshire

- 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 & Mrs Alan Davies against the decision of High Peak Borough Council.
 - The application Ref HPK/2016/0543, dated 22 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is construction of a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address used in the heading above differs from the address stated on the application form in that I have added reference to Glossop and Derbyshire as these were omitted from the application form but were present on the Council's decision notice and more accurately identify the appeal site.

Main Issues

3. The main issues are;
 - the effect of the proposal on the character and appearance of the Howard Park Conservation Area having particular regard to the effect of the proposal on trees and to the siting, scale and design of the proposed dwelling;
 - whether future occupiers of the proposed dwelling would have satisfactory living conditions having regard to shading and leaf fall.

Reasons

Conservation Area

4. The appeal site is located in the Howard Park Conservation Area (CA), close to the junction of Talbot Road and North Road. The CA mainly comprises Howard Park, a Registered park and garden but also extends to the east to include a ribbon of detached and semi-detached houses ascending North Road, set within generous mature gardens and the tree covered, semi wooded grounds of Talbot House. The appeal site is located in the historic

grounds of Talbot House and trees within the site are protected by a Tree Preservation Order (TPO).

5. The appeal site comprises an area of land fronting Talbot Road, adjacent to Talbot House. It is to the front of and at a lower level than two recently constructed dwellings that are accessed off North Road. It rises up from Talbot Road. The appeal site is in the same ownership as the dwelling to the rear but does not form part of the residential garden of that property. The site contains a large number of trees, a number of which are significant in size and due to their number, size and position, they are visible from various vantage points along Talbot Road and North Road and serve to screen and soften views of the new dwellings and gabion walling at the rear of the site. Notwithstanding that it appears that the appeal site may have historically been more open character and that it is currently somewhat overgrown, the trees on the appeal site together with trees on the adjacent undeveloped site and at Talbot House contribute positively to the verdant character of this part of the CA and to the character and appearance of the wider CA.
6. An arboricultural report (AR) was submitted with the application and a number of trees identified within it have been identified for removal as part of the proposal including two groups of trees (G1 & G2), one within the centre of the appeal site. All of the trees to be removed are identified as category B trees within the AR, trees of moderate quality and value, including public amenity value which should be considered for retention. The proposed dwelling would also be within the root protection area (RPA) of two trees (T11 & T12), with a ground beam foundation solution proposed to overcome this and a no dig solution proposed for the driveway for the proposed dwelling.
7. There is some disagreement between the main parties as to the age and significance of the trees to be removed and regarding the contribution that they make to the CA. However whilst I acknowledge that G1 & G2 comprise less mature trees and are located within rather than on the perimeter of the site, the AR nevertheless identifies them as category B trees and at my site visit I noted that the trees to be removed contribute to the visual amenity of the CA, with gaps below the canopies of trees fronting Talbot Road allowing public views of trees within the site. The removal of the trees would consequently be harmful to the character and appearance of the CA.
8. Whilst trees on the appeal site and landscaping and trees within the grounds of Talbot House serve to largely screen Talbot House from public view, I consider that the visual contribution of trees on the appeal site to the CA significantly outweighs any harm that they may cause in contributing to the screening of Talbot House and note the Council's view that the reduced visibility of Talbot House is as a result of overgrown shrubbery in the grounds of Talbot House.
9. In addition, detailed evidence has been produced by the Council which challenges whether a number of other trees on the appeal site shown for retention could actually be retained having regard to their proximity to the proposed dwelling and driveway and associated works, particularly given changes in levels across the site. In the absence of any detailed information regarding existing and proposed site levels and having regard to the Council's evidence, I am not satisfied that the construction of the proposed dwelling

would not result in additional tree loss beyond that identified by the proposal. Any additional tree loss would result in further harm to the CA. I do not consider that this harm would be offset or overcome by the new planting proposed.

10. The proposed dwelling would be large in scale and would have a reasonably large and formal entrance off Talbot Road. The entrance and driveway would open up the site and would allow views of the proposed dwelling and the dwellings and gabion walling to the rear of the site. Though the proposed dwelling would be set back from Talbot Road it would be forward of Talbot House. The erection of such a large building visible from beyond the site boundaries would in combination with the associated loss of trees be harmful to the character and appearance of the CA. Whilst I acknowledge that there are other large dwellings set within spacious grounds with tree cover within the CA, for the reasons stated above the character and appearance of this site differs from those sites and the change in character and appearance of the appeal site that would result from the proposal would be harmful to the CA.
11. The proposal would fail to preserve the character and appearance of the CA. I consider that the harm to the significance of the CA that would result from the proposal would be less than substantial. As such having regard to paragraph 134 of the National Planning Policy Framework (the Framework), this harm needs to be weighed against the public benefits of the proposal. Whilst the proposal would provide an additional dwelling in an accessible location and would bring some modest economic and environmental benefits through the use of local resources, these do not equate to public benefits which would outweigh the harm identified and the proposal would not constitute sustainable development.
12. In reaching my decision I have had regard to a previous appeal decision referred to by the main parties (Ref APP/H1033/A/05/1174864). I have been provided with a copy of the appeal decision letter but not with the relevant plans. The appeal related to land at North Road/Talbot Road with the development proposed being two detached house (outline). The appellant states that in reaching his decision, the previous Inspector concluded that the trees on the site have little importance to the CA. However it seems to me that it is not clear from the appeal decision letter whether the appeal site formed part of the site of the previous proposal with paragraph 10 of the letter stating "A wooded area to the south flanked by North Road and Talbot Road adjoins the site". In any event when considering the previous proposal, the Inspector noted that the Council considered that the proposal would not result in the removal of significant trees (paragraph 16). The proposal therefore appears to differ from the previous proposal and I must determine the proposal before me on its own merits.
13. Taking the above matters into consideration, I conclude that the proposal would fail to preserve the character and appearance of the CA and would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the same reasons it would not accord with paragraph 132 of the Framework, with policies EQ6, EQ7 and EQ9 of the High Peak Local Plan (LP) and sections 7, 11 and 12 of the Framework. These policies require, amongst other things, development to be well designed and of a high quality and to respect the character of the area; to conserve heritage

assets including conservation areas and to protect trees from loss or deterioration.

Living conditions

14. As stated the appeal site contains a significant number of trees, some of which are large and mature and are proposed to be retained as part of the proposal. On and off-site mature trees are proposed to be retained close to the east, south and west of the proposed dwelling and within the garden area with new planting proposed within the garden area to the north of the dwelling.
15. The appellant acknowledges that it is reasonable to assume that the dwelling would endure shading from tree coverage and leaf fall but considers that this would be no different from other properties on North Road and Talbot Road and that it is also reasonable to assume that future occupiers would occupy the dwelling on the premise of tree retention. The appellant also states that the dwelling has been designed so as to reduce significant pressure for future tree loss. However, having regard to the position of the proposed dwelling and garden relative to trees on and off the site, the dwelling and garden would be dominated by the trees and would be significantly overshadowed by them and be affected by leaf drop to the extent that future occupiers of the proposed dwelling would not have satisfactory living conditions. I also note that some of the trees near to the proposed dwelling and garden have yet to reach maturity.
16. Were the proposed dwelling to be built, I consider it likely that there would be future pressure to fell or significantly prune the retained trees near to the dwelling and this would be harmful to the character and appearance of the CA. The fact that the trees are protected by a TPO would not offer sufficient protection for the trees if the relationship between the proposed dwelling and the trees in question was deemed to be unsatisfactory.
17. Taking the above matters into consideration, I conclude that future occupiers of the proposed dwelling would not have satisfactory living conditions having regard to shading and leaf fall and therefore if the dwelling were constructed there would likely be future pressure to fell or prune trees on the site. The proposal is therefore contrary to policies EQ6 and EQ9 of the LP. These policies require, amongst other things, development to be well designed and to protect existing trees.

Conclusion

18. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR