



Appeal Decision

Site visit made on 9 July 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/J1915/D/19/3228089

15 The Bourne, Ware SG12 0PU

- 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 B Thorpe against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2774/HH, dated 19 December 2018, was refused by notice dated 12 March 2019.
 - The development proposed is a part single, part double storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On the site visit I noted that works have been undertaken at the appeal site though these works appear to differ from those shown on the submitted plans. In determining this appeal my decision has been considered on the basis of the plans submitted and on which the Council made its decision.

Main issue

3. The main issue is the effect on character and appearance of the Conservation Area, with particular regard to trees.

Reasons

4. The site is an end of terrace property located on a corner plot within the Ware Conservation Area (CA) which whilst being within an urban setting has a verdant character and appearance. There are 2 silver birch trees located adjacent to the appeal site boundary within a roadside verge. The more mature of these trees is visible from the surrounding area and adds significantly to the character and appearance of the CA.
5. The proposed development would be in very close proximity to the more mature silver birch. The appellant's submission states that roots of this tree are unlikely to be compromised. This is based on an assumption that the existing boundary wall has particularly deep footings and therefore the roots will be unlikely to extend into the appeal site.
6. However, no detailed evidence has been provided to substantiate this, the appellant's revised Tree Survey is clear that the positioning of the roots has not been definitively ascertained. The Council consider the wall has been

constructed more recently and is unlikely to have foundations as deep as the appellant has suggested.

7. Furthermore, the position of the trees is identified as being approximate and based upon the appellant's proposed plans. Whilst from my site visit it is evident that the location of the trees, as indicated, are unlikely to be wholly inaccurate I am not convinced that it has been fully demonstrated that the trees would be preserved.
8. Even if it were to be demonstrated that the root system of the more mature silver birch would not be adversely affected it is evident from the details submitted that the canopy would be close and probably overhang the proposed extension. The appellant's submitted Tree Survey grades the tree as a Cat B (trees of moderate quality with an estimated life expectancy of at least 20years) and indicates that it is in good structural condition and free of significant defects.
9. The tree has not reached full maturity and it is likely that branches will spread further over the extension and make contact with the building. Taking into account the orientation of the site, proximity of the tree and its potential growth there would be pressure in the future to prune or remove it due to, its effect on light, maintenance, and safety or structural integrity concerns.
10. I note that the '*Ware CA Appraisal and Management Plan: Plan 2 adopted management plan*' did not specifically identify the tree. However, from my visit it is clear the tree has significant amenity value, aiding in breaking up the built form and contributing to the overall verdant character of the CA.
11. Based on the evidence before me and my observations on site I am not convinced that the tree would not be adversely affected and consider the loss of the tree would result in harm to the CA neither preserving or enhancing its verdant character and appearance. Although the Council have not raised concerns with the effect on the CA, for the above reasons any effect on the trees would affect the character and appearance of the CA.
12. It is also noted that a '*Construction Exclusion Zone*' has been suggested to minimise impact on the existing trees. Whilst this would provide some protection, I do not consider this would be sufficient to ensure the tree was protected in the long-term as it does not include all of the crown spread.
13. The proposed development would cause harm to the CA as it is not possible to determine with any degree of certainty that the proposed development has made adequate provision for the preservation of the existing trees which contribute positively to the character and appearance of the CA. That is a matter which must attract considerable importance and weight against the proposal.
14. Whilst the harm to the CA would be less than substantial and the extension would provide additional living accommodation for the appellant there are no public benefits that would outweigh the harm I have identified.
15. Therefore, for the reasons stated above the development would conflict with policy DES3 of the East Hertfordshire District plan 2018 which states that developments must demonstrate how existing landscape features will be retained and protected.

Conclusion

For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR