
Appeal Decision

Site visit made on 23 July 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA RTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/W1525/D/19/3230398

170B Rainsford Road, Chelmsford, Essex CM1 2PD

- 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 Alec Pavitt against the decision of Chelmsford City Council.
 - The application Ref 19/00124/FUL, dated 23 December 2018, was refused by notice dated 3 May 2019.
 - The development proposed is a two-storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension at 170B Rainsford Road, Chelmsford, Essex, CM1 2PD in accordance with the terms of the application, Ref 19/00124/FUL, dated 23 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan at 1:1250 scale, Block Plan at 1:500 scale and PS 3185 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.
 - 4) The development shall only be carried out in accordance with the details submitted within the Arboricultural Impact Assessment Report, reference SHA 501, dated 7th March 2019. No alterations or variations to the details shall be made without the prior written consent of the local planning authority.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on a protected sycamore tree.

Reasons for the Recommendation

4. The appeal property is a two-storey end of terrace dwelling on the corner of Rainsford Road and a private access road to the west of the site. A sycamore tree, which is subject to a tree preservation order reference TPO/2003/052, is located to the west of the site with branches overhanging the appeal site and is in close proximity to the dwelling. The tree is a prominent feature within the streetscene and provides a high amenity value to the area which is an urban city centre location.
5. The Council's decision focusses not on the impact of the construction of the proposed development on the tree, but on future pressure to prune or remove the tree, referencing an application submitted in 2015 (and approved in 2016) to reduce the crown of the tree due to shading. Evidence of this crown reduction on the eastern side of the tree was observed during my site visit.
6. The proposed two-storey extension would be considerably set back from the front elevation of the property and therefore would be located further back into the site than the branches of the tree. There would be two windows on the southern elevation of the proposed extension which may be subject to overshadowing from the tree. The first-floor window would serve an en-suite bathroom, which is not generally a habitable room, and the ground floor window would serve a sitting room, which would be served by a second window on the northern elevation which would provide light. Therefore, it is not considered that the relationship of the tree to the windows of the extension would significantly increase the likelihood that future works to the tree would be required to reduce overshadowing. In addition, it is not considered that the proposed development would result in an increased amount of leaf drop within the site than is currently experienced as there are no changes proposed to the boundaries of the site.
7. The arboricultural impact assessment report submitted with the application states that in order to facilitate the construction of the extension, light tip pruning of up to 1 metre would be required and that the extension would occupy 1.4% of the tree's root protection area. I consider these works to be minimal in relation to the overall size of the tree and would not have an adverse impact on its amenity value.
8. For the reasons above, I do not consider that the development would harm or result in an increased level of pressure to remove or prune the preserved tree which would reduce its overall amenity value. As such, I find no conflict with Policies DC14 and NE2 of the Chelmsford City Council Development Plan Document (20 February 2008) which seeks to prevent unacceptable harm to woodland, trees, hedgerows and landscape features that would be caused by proposed development, or the natural environment objectives of the National Planning Policy Framework.

Conditions

9. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans as this provides certainty. A condition requiring the use of materials matching that of the existing building is also necessary to ensure an appropriate appearance for the development. The Council has suggested a condition to ensure that the works are carried out in accordance with the

submitted Arboricultural Impact Assessment Report. This condition is considered to be reasonable to protect the sycamore tree during the construction of the proposed development.

Conclusions and Recommendation

10. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeals Planning Officer's report and on that basis the appeal is allowed

Andrew Owen

INSPECTOR