
Appeal Decision

Site visit made on 25 June 2019

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/L2630/W/19/3223184

The Knowle, The Street, Geldeston NR34 0LB

- 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 Nick & Mrs Gi Flowers against the decision of South Norfolk District Council.
 - The application Ref 2018/1297, dated 8 June 2018, was refused by notice dated 22 August 2018.
 - The development proposed is a three bedroom bungalow and detached double garage in part garden of The Knowle and create a new vehicular entrance.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed. Nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the living conditions of its future occupiers with regard to daylight and sunlight; and
 - The effect of the proposed development on the character and appearance of the Geldeston Conservation Area, including its effect on protected trees, and on the setting of a nearby listed building.

Reasons

Living conditions

4. The new dwelling would lie relatively close to the canopies of 2 mature trees, a hornbeam ("T4") and a larch ("T6"). T4 has a substantial height and crown spread and a particularly dense canopy, and would lie outside windows to a bedroom, a bathroom and a utility room.

5. The rooms in question would all lie on the northern side of the dwelling and light levels may consequently be restricted by the orientation of windows. T4 is likely to further reduce levels of daylight and sunlight to these rooms due to its proximity, scale and the density of its canopy. A level of shading is likely to remain in winter despite the tree's deciduous species, due to the density and scale of its trunk and surrounding branches. The presence of the tree is consequently likely to result in unduly gloomy conditions within the affected rooms.
6. An Arboricultural Impact Assessment (2018) ("the AIA") accompanies the application. This states that limited pruning of T4 would be necessary to facilitate the development, and that repeated subsequent pruning may be necessary in order to reduce conflict with the proposed building. This would not, however, include any reduction in the tree's height, and the potential for shadowing consequently remains.
7. T6 stands at the edge of a group of trees which would lie on the other side of the dwelling. Wall openings within the facing elevations would serve a lounge, bedroom and kitchen/diner. Whilst the tree is of some height, it has a relatively limited spread and its canopy lacks the density of that of T4. Other trees within the group share these qualities. Furthermore, the proposal allows for the provision of a generous area of open south-facing garden on the other side of the garden to this group of trees, which would allow for reasonable levels of light to reach the building. As a result, whilst these trees may cast a limited level of shade in the vicinity of the dwelling this would be unlikely to have a significantly harmful effect on the living conditions of its occupiers with regard to daylight and sunlight.
8. Sunlight calculation diagrams for summer and winter are provided with the appeal. However, these are very limited in scope, and provide no detailed modelling of the shadow cast by the trees in question throughout the year. Thus, they do not serve to overcome my concerns regarding the proposal's effect on levels of sunlight and daylight within rooms to the northern elevation of the new dwelling.
9. The appellants contend that the shading which would result from the proximity of T4 would help to cool the dwelling and hence that this aspect of the proposal would assist in meeting the challenge of climate change. Notwithstanding this, as the rooms would lie on the north side of the building, temperatures within them are less likely to be excessive. Furthermore, there is no substantive evidence before me to suggest that temperature issues would cause any significant problems for future occupiers. I therefore attach only limited weight to this as a benefit of the proposal.
10. Accordingly, I conclude that the proposal would result in unacceptable harm to the living conditions of the future occupiers of the new dwelling with regard to daylight and sunlight. As a result, it conflicts with Policy DM3.5 of the South Norfolk Local Plan Development Management Policies Document ("the DMPD"), which permits the sub-division of gardens to create new dwellings where reasonable access to light would be provided. Further conflict exists with Policy DM3.13 of the DMPD, which states that development should ensure a reasonable standard of amenity with regard to daylight and overshadowing.

Character and appearance

11. The site lies within the Geldeston Conservation Area ("the CA"), and within the setting of "The Old House", a Grade 2 listed building ("the LB") which lies on The Street. The CA and LB form designated heritage assets for the purpose of Paragraph 193 of the National Planning Policy Framework (2019) ("the Framework"). As such, I am required to give great weight to the assets' conservation when considering the effect of the proposed development on their significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The Framework reflects statute which also requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving listed buildings or their settings.
12. Mature trees of varied species are present throughout the village, and these contribute positively to its verdant and rural character. The Geldeston Conservation Area Appraisal (2013) ("the CAA") highlights the important contribution made by significant mature trees to the village's landscape setting.
13. The appeal site contains several trees. It has a prominent position within the CA due to its location on the corner of The Street and Geldeston Hill, and due to its elevated position above The Street. The site's trees contribute positively to the CA's significance through the provision of a wooded corner which lies at the end of the village's main street.
14. The proposal would necessitate the felling of two of the site's deciduous trees, a cherry tree (T1) and an alder (T5). Whilst T5 does not currently have a significant effect on the street scene due to its relatively low height, it is a young tree and I have no substantiated evidence before me to suggest that it would be unlikely to survive on site for many years. Its contribution to the CA is therefore likely to increase. T1 has an estimated remaining contribution of 10 years. It has a more prominent and central position within the site than T5.
15. Thus, the presence of the cherry and alder trees at this prominent location contributes positively to the village's wooded appearance. Furthermore, they provide a characteristic variety of species at a site with significant coniferous specimens. Therefore they make a positive contribution to the significance of the CA, which the proposal would erode.
16. T4 (the hornbeam tree) has a prominent and elevated position in the site. This, combined with its evident maturity and wide, dense crown spread, give it a significant and positive presence within the CA.
17. T6 (the larch) lies at the edge of a group of trees which lie within the site and on the corner of The Street and Geldeston Hill. These make a substantial and positive contribution to the verdant appearance of the edge of the older part of the village which is delineated by Geldeston Hill. This is recognised by reference in the CA to the important visual role which the group plays in the village.
18. The appeal scheme proposes the retention of both T4 and T6. The root protection areas ("the RPAs") of both trees lie close to the site of the proposed dwelling, with that of T6 almost reaching the new dwelling's rear elevation.

19. Details of the location of a soakaway, sewer run and the nearest power supply are supplied with the appeal. However, given the proximity of the RPAs, the proposal does not provide sufficient assurance that other works such as excavation, footings and construction access at the site would not have an unacceptable impact on the trees concerned. Furthermore, there is no evidence before me to suggest that the proposed use of a block and beam floor at the dwelling would provide adequate protection for the trees. The proximity of the RPAs in question to the proposed dwelling consequently gives rise to concern regarding the potential for harm to T4 and T6. I note that the Council has similar concerns to my own in this regard.
20. As set out above, the AIA identifies a likely need for ongoing future pruning of T4 in order to reduce the potential for conflict with the new dwelling. Furthermore, the likely effect of the proximity of T4 on the living conditions of occupiers of the new dwelling which I have identified above may result in future requests to prune or fell the tree. Works to the tree, or its complete removal, would result in a reduction in the positive contribution which it makes to the significance of the CA, notwithstanding the potential for these to be overseen by a qualified arborist.
21. As a result of the above factors, the proposal would erode the substantial positive contribution to the significance of the CA which is made by the appeal site's trees.
22. Geldeston Hill is a highway which lies adjacent to the site. It forms a main route through the village and elevated views across the site are available from its footway. These include part of the substantial and historic LB. The host dwelling at The Knowle is sufficiently set back within its plot to allow for such views.
23. The road is bounded by thick woodland to one side farther up the hill, which contributes to the village's sylvan appearance. The trees of the appeal site continue this impression, and their cumulative effect together with others in the vicinity of the LB is to provide a wooded and verdant setting for it.
24. The LB forms a focal point which draws the eye from Geldeston Hill, and which, as the most prominent and substantial historic building which is visible from this vantage point, serves to illustrate the distinct areas of older and more modern development which exist to either side of the road, and which are identified within the CAA. The building is perhaps deliberately prominent in views across the appeal site from the hill, and its wooded setting is apparent in these. The view from the hill consequently forms an important view of the building.
25. Whilst the LB is also visible from the crossroads towards the foot of the hill, it has a different aspect from this vantage point, with more visible surrounding development and less individual prominence.
26. The proposed dwelling would interrupt views of the LB from the hill due to its scale and its position within the site. It would erode the setting of the LB by the introduction of substantial modern built form, which is currently relatively unobtrusive within the view due to the set back siting of the host dwelling. Furthermore, the provision of a residential driveway for the new dwelling would cause harm to the verdant appearance of the view. As a result, the proposal

would have an urbanising and negative effect on the visual aspect of the contribution which the LB's setting makes to its significance.

27. I therefore conclude that the appeal proposal would result in less than substantial harm both to the character and appearance of the CA, including its effect on protected trees, and to the setting of the LB. It therefore conflicts with Policy DM4.10 of the DMPD, which sets out that development should avoid causing harm to a heritage asset. Further conflict exists with Policy DM4.8 of the DMPD, which states that the Council will safeguard and promote the appropriate management of protected and other significant trees. It also conflicts with historic environment guidance in the Framework.

Other Matters

28. The appellants propose the making of a Tree Preservation Order ("TPO") as a means of ensuring the protection of trees at the site. However, 6 weeks' notice to the Council of certain intended tree works at the site is already required, as all trees are within the CA. The notice period gives the authority an opportunity to consider whether to make a TPO on the tree. Therefore any relevant proposed works could not be carried out without consideration of a TPO. Thus, I am satisfied that the protection afforded to the trees by inclusion in the CA is sufficient. Furthermore, the making of a TPO would not prevent the harm which I have identified above to result from the felling of the cherry and alder trees. Therefore I attach only minimal weight to this submission.
29. The appellants dispute the suggestion in the CA that the group of trees within which T6 lies form part of the remains of a pine tree belt which dates from the nineteenth century. Historic mapping is provided in support of the appellants' contention. Whilst I agree that the documents in question do not provide any significant evidence of such a feature, I attach only minimal weight to the relevance of the exact age of the trees concerned in determining this appeal, which partially concerns the effect of the proposal on the significance of the CA at the date of my decision. As such, it is a matter which has had only minimal bearing on my decision.

Conclusion

30. I have found that the proposal would result in less than substantial harm both to the significance of the CA and to the significance of the LB. Paragraph 196 of the Framework sets out that the harm to heritage assets should therefore be weighed against any public benefits of the proposal. A modest benefit would arise from the provision of the additional dwelling to local housing availability. The contribution of new planting at the site in combating climate change, biodiversity provisions and support for the vitality of the village are advanced in support of the proposal.
31. However, whilst I acknowledge that the proposal would carry modest public benefits, they do not offset the identified harms, to which I must attach considerable importance and weight. The proposal would additionally cause unacceptable harm to the living conditions of future occupiers of the development.
32. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR