
Appeal Decision

Site visit made on 31 January 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2020

Appeal Ref: APP/F3545/W/19/3238557
High Trees, The Park, Great Barton IP31 2SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs D Doran against the decision of West Suffolk Council.
 - The application Ref: DC/19/1117/FUL, dated 25 May 2019, was refused by notice dated 6 September 2019.
 - The development proposed is erection of a two storey dwelling and a detached double garage and creation of a shared access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs D Doran against West Suffolk Council. This application is the subject of a separate decision.

Procedural Matter

3. The description in the banner heading above is taken from the application form, with the wording 'creation of a shared access' deleted, as the proposal would entail sharing of an existing access.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including its effect on protected trees.

Reasons

5. The appeal site is a plot of land with substantial tree cover and a modest clearing. It is located south of a drive which runs to the High Trees dwelling.
6. The site is within an area which is delineated by Livermere Road, The Park, School Road and streets leading off them. The area is characterised by a combination of substantial woodland blocks and streets of larger detached one and two-storey dwellings set in spacious landscaped grounds. The overall character of the area is of spacious residential groupings of varying configurations, weaving around an older sylvan framework.
7. The site is located within protected woodland area A2 of the Park, Great Barton Tree Preservation Order (TPO) No. 370 (1974). Supporting text paragraph 30.5h) of the St Edmundsbury Rural Vision 2031 (2014) (RV) sets out that,

- although not a conservation area, The Park is an important area of Great Barton due to its historical character, the distinctiveness of which is to be protected through policies in the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (2015) (DMP).
8. Area A2 is the most substantial protected area within the TPO, and as such, has a core role in defining its character. The tall tree cover on the appeal site, including its canopy tops, makes a noticeable contribution to the distinctive sylvan character of the area, viewed from the appeal site and streets and properties in the vicinity. The trees also contribute to a leafy backdrop to the rear of dwellings which abut the site, including on the eastern side of Edes Paddock. As such, the site has intrinsic value as a core, contributory piece of the sylvan fabric of The Park Area's character.
 9. Much of the site has established tree cover, with lime and sycamore prominent in the mix. Substantial sycamore trees T010 and T022¹ are proposed for removal, based on a category U rating² by the appellants' arboricultural consultant. This is within the context of a number of other trees on the site apparently having recently been felled due to their U rated condition.
 10. The proposal is for a dwelling of bold 'Scandinavian' style with timber cladding and an 'upside down' configuration of living room and kitchen/dining areas on the first floor, and areas of extensive glazing, to maximise use of natural light.
 11. The proposed building and associated domestic paraphernalia would reduce the spaciousness, verdancy and undeveloped character of the site.
 12. Nevertheless, the latter is within an area of some residential character. Furthermore, the proposed main building would be substantially separated from neighbouring houses, and views of the former would, to some extent, be softened by intervening tree cover and garden space. The above factors together would go some way to partially assimilate the proposed development within its setting.
 13. During my site visit, I saw that the access drive is not especially narrow, and the flint wall alongside it was not showing obvious signs of vehicle damage. As such, the proposal is not likely to harm this characterful feature.
 14. However, taking into account potential future tree growth - including in the light of space which would result from the proposed removal of nearby tree T022 - the proximity of the proposed garage and north-eastern corner of the house to B category tree T020 would place significant future pressure for disfiguring pruning and removal on the latter tree. Moreover, the southern extent of the east wing of the proposed house would jeopardise the following substantial pair of trees: C category trees T017, which is proposed to be removed to make room for the building; and C category tree T002³, which would come under significant future pressure for disfiguring pruning and removal given the proximity of the south-eastern corner of the proposed building. The proximity of the north-western corner of the building would similarly place future pressure on the lime trees in B category group G006.

¹ Tree reference numbers as per drawing 7491-D-AIA.

² Tree categories as per BS5837:2012.

³ As footnote 1.

15. With an undisputed rating of category B and C, the above are viable trees. Their maturity and considerable height and stature contribute to the distinctive character of the sylvan framework of the area.
16. The above combination of factors leads me to find that the proposal would significantly erode the character of a core part of The Park area's sylvan framework, including its tree canopy tops, viewed from the following combination of viewpoints: on the approach to the site along The Coppice road; the street on Edes Paddock, and the adjacent public right of way; dwellings on Edes Paddock; and within the site itself. Accordingly, the proposal would diminish the mature landscape character of the site and The Park area. In these respects, the proposal would conflict with Policy DM2 of the DMP and Policy CS3 of the St Edmundsbury Core Strategy (2010) (CS), which together seek to ensure that development complements local character and landscape.
17. I accept that concern about light demand of photovoltaic panels on the western aspect conflicting with trees would be addressed by the design amendment to remove the panels. I also acknowledge that the Arboriculture Officer's 'concerns regarding future pressure for tree works' were qualified with the expectation that any such future TPO applications would be 'heavily resisted'. However, I consider that proposed siting of the dwelling would invite pressure on the identified nearby trees, which would increase over time and become harder to resist as they further grow and mature.
18. I note the appellants' view that the proposed development would have a negligible impact on the character and landscape of the area. I acknowledge that the site is not visible at ground level from public vantage points. Nevertheless, for the reasons set out above, I consider that the proposal would erode and place immediate and future pressure on the established, protected tree stock in the area, and that this would, in totality, be noticeable from a combination of viewpoints.
19. The appellants consider that the proposal would give fresh impetus to sympathetic management of the woodland and rejuvenate it through new planting, as part of a comprehensive landscape scheme, which could be secured by planning condition. However, as set out above, I consider that the scale and proximity of the proposed dwelling to the identified viable trees would result in an excessive risk to them, which would harm the character and appearance of the area. Moreover, the development, as proposed, would undermine the objective of preserving the area's distinctive mature tree stock. Accordingly, I find that the proposed planning condition would not overcome the identified harm.
20. My attention is drawn to an appeal decision and planning permission on other sites located elsewhere in The Park area, on The Park road⁴. I recognise that there are the following similarities between the cases. They involve proposals for a single new dwelling, within areas covered by The Park, Great Barton TPO No. 370 (1974). Mitigative soft landscaping schemes are proposed. Nevertheless, the other cases differ from the current appeal case in that they do not involve a decisive finding of a totality of harm including future pressure on retained trees. Moreover, the appeal proposal has its own setting,

⁴ Planning Appeal Ref: APP/E3525/W/15/3141032 (Greenover) and Planning Application Ref: DC/18/1650/FUL (Land adjacent Berwyn).

relationship to trees and circumstances and, as such, I assess it on its own merits.

21. I appreciate that the officer's report found insufficient harm in relation to character and appearance to justify refusal, but this does not alter my reasoning. In any case, Members reached a different conclusion.
22. Taking the above together, I conclude that the proposed development would, overall, harm the character and appearance of the area, including protected trees. As such, the proposal would conflict with Policy DM2 of the DMP and Policy CS3 of the CS.
23. Policy DV18 of the RV covers a site allocation which does not include the appeal site, and so is not engaged in this case.

Other Matters

24. I note residents' concerns about the proposal's effect on neighbours' privacy and bat habitat, and regarding ownership of the access drive, and right of way, which go beyond the scope of the reason for refusal. As I am dismissing this appeal on other grounds, it is not necessary for me to consider these matters in further detail.
25. The appellant states that the dwelling 'has been conceived as a self-build' dwelling. Be that as it may, the description of development does not include self-build and I have no certainty that it would be such.
26. The proposed four-bedroom detached dwelling would provide additional living accommodation, with the use of natural light and leafy views contributing to pleasant living conditions for future occupiers. The two wings of the building would provide the flexibility to house different generations of the same family. There would be associated socio-economic benefit during and after construction, including New Homes Bonus. However, the modest scale of benefit of the proposed single residential unit would not outweigh the significant harm identified.

Conclusion

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

William Cooper

INSPECTOR