



Appeal Decision

Site visit made on 1 July 2020

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 10 July 2020

Appeal Ref: APP/Y2620/W/19/3241723

Glyntor, 5 Avenue Road, High Kelling NR25 6RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Whitlock against the decision of North Norfolk District Council.
 - The application Ref PO/18/2221, dated 23 November 2018, was refused by notice dated 22 July 2019.
 - The development proposed is the erection of two detached dwellings following demolition of existing building and outbuildings with new access to Pineheath Road to serve Plot 2 (outline – details of access only).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development in the banner above from the Local Planning Authority's (LPA) decision notice which accurately describes the appeal proposal. It is the same used on the appellant's appeal form.
3. The planning application was submitted in outline only with all matters reserved except for access. The appellant submitted as part of the planning application a set of plans (location, existing, block and proposed site layout) described as "proposed outline plans". These plans illustrate how two dwellings could be accommodated on the appeal site and the proposed points of access. Layout is a reserved matter and I note the appellant's submission that the LPA did not seek to secure these details at the outline stage. The final set of plans (Drawing PL01 Rev B) has been through an iterative process such that the shown position of the dwellings can be reasonably described as 'indicative'. The LPA determined the application on that basis and so shall I.
4. I accept that the layout could be fine-tuned further under reserved matters. However, I find the site factors in terms of protected trees, the pattern and proximity of adjoining development, the need to protect amenities of future occupants of the site in terms of privacy and private amenity space and the requirement to secure access from Pineheath Road for the net additional dwelling, mean it is difficult to envisage a significantly different layout. As such I share the view of the LPA that the proposed indicative layout is a material consideration in assessing the likely effects of the proposed development at this stage.
5. The application was accompanied by an arboricultural impact assessment (AIA) containing a detailed tree survey (table 2) and a site plan illustrating the

locations of trees and their indicative canopy spread and root protection areas, together with a small number of specimens indicated as 'consented for removal'. A number of representations refer to tree works at the site. That is a separate matter between the LPA and the appellant. My assessment of the appeal proposal is based on the plans before me and my observations on site.

Main Issues

6. The main issue in this appeal is the effect of the appeal proposal on the character and appearance of this part of High Kelling including, the likely long-term effect on protected trees.

Reasons

Character and Appearance

7. High Kelling is characterised by detached dwellings of different styles and sizes within varying sized plots. A unifying characteristic of the settlement is its particularly strong sylvian setting, something which has succeeded, in part, due to a reasonable spaciousness around dwellings that has enabled trees to mature and thrive. This is reflected in the extent and description of the High Kelling Tree Preservation Order (TPO) 2016 No.7 which covers the settlement, including the trees on the appeal site.
8. Given the size of the appeal site frontage onto Avenue Road, the proposed plot 1 would broadly follow the general pattern and spaciousness of adjoining housing on Avenue Road. The proposed plot 2 would be only glimpsed behind plot 1 from within Avenue Road given the protected vegetation along Avenue Road. The proposed arrangement would be similar to the existing pattern of development immediately to the south of the appeal site.
9. Development to some extent is already clustered around the western end of the Pineheath Road cul-de-sac with 4 points of access already using the modest turning head. There is a slightly tighter density to the housing both around the turning head and along the southern side of Pineheath Road closest to the appeal site. The proposed layout of plot 2 would assimilate with the pattern and density of development at this end of Pineheath Road. Furthermore, because the dwelling on Plot 2 would be set-back from Pineheath Road there would be an appropriate degree of spaciousness, including the opportunity through careful layout to maintain a sense of openness through the width of the appeal site to Avenue Road. Overall, both from within Avenue Road and Pineheath Road, the appeal proposal would not appear conspicuously cramped.
10. From the indicative layout, a reasonable amount of practical private amenity space for the future occupants of both dwellings would be secured. I have noted the 2008 North Norfolk Design Guide Supplementary Planning Document (SPD) advises at paragraph 3.3.10 that private garden areas should be substantially free from shading from trees during the year. However, I am satisfied that the degree of shading for the proposed private amenity spaces would not be unduly oppressive or uncharacteristic given the prevalence of woodland gardens in the strongly treed setting of High Kelling.

Protected Trees

11. In respect of Plot 1 it is proposed to re-use the existing access from Avenue Road such that the distribution of trees along the western and south-western

edges of the appeal site would remain unaffected by this element of the proposal. Nearly all of these trees are sufficiently distant from the indicative position of plot 1 that I cannot reasonably see a particular future pressure for their removal. The proposed plot 1 would be similarly positioned from some 'good' specimen principal trees (tree T20 for example) as the existing dwelling such that I am satisfied there would be no undue pressure from occupants of plot 1 to seek their removal on either overshadowing or tree hazard grounds.

12. I accept the proximity of tree T14, assessed as a good quality sycamore in the AIA, would be awkwardly close to the prospective position of plot 1 irrespective of how that could be finessed through reserved matters. To accommodate the proposed development the AIA recommends a significant canopy reduction of the tree in excess of that recommended by BS3998:2010. To my mind that intervention would only be an interim solution such that the proximity of the tall tree would likely make living conditions in parts of plot 1 particularly gloomy together with a reasonable perception of tree hazard. Accordingly, there would be a strong likelihood that tree T14 would be either extensively and perpetually managed resulting in its decline or ultimately lost. Either scenario would be detrimental to the amenity value provided by the group of trees in this part of the wider area TPO. They can be readily appreciated from within Avenue Road and tree T14 makes a position contribution to the overall sylvian qualities when experienced in Avenue Road. As such I find the likely future pressure on the longevity of tree T14 due to the proposed cramped relationship to plot 1 to be particularly harmful.
13. The proposed access to Plot 2 from Pineheath Road would require the widening of an existing pedestrian access. The eastern edge of the appeal site contains a notable cluster of trees which make a particularly positive contribution to the character and amenity of this part of High Kelling covered by the TPO. Most of the trees are graded as being of moderate quality in the AIA, interspersed by occasional good quality specimens.
14. As part of the appeal process the appellant has proposed that access could comprise of a steel bridge surface type, intended to be supported on short mini-piles, and would be suspended just above the ground surface to avoid the root protection areas of those trees closest to Pineheath Road. It is submitted that under this revised method the proposed removal of tree T31 (a Scots Pine) would no longer be required. I have taken into account the revised plan described as drawing No 4249/02 'Inset Plan' (at Appellant's Appeal Statement - Appendix 3) as revised details for access (given access is not a reserved matter) with the option that further details could be secured by condition.
15. I note from the 'inset plan' that the access would still pass very close to the trunk of tree T31. The AIA describes tree T31 as being of moderate quality albeit with a fair amount of dead wood. From my observations tree T31 is particularly prominent, forming a strong focal point in westward perspectives along Pineheath Road. The extent of dead wood is modest and largely confined to lower limbs such that the significant majority of the tree makes a positive amenity contribution which can be widely appreciated. Even if it was capable of being retained, it would be so close to the access to plot 2 that there would be a strong likelihood of future pressure to seek its removal to secure a safer and/or wider approach to the property. Similar could apply to trees T30 and T32 (a high amenity value oak specimen) given their relative proximity and impingement on access to plot 2. As such I find the proposed access

arrangement for plot 2 would have a likely adverse long-term effect on the amenity value of the protected trees on this part of the appeal site.

16. In respect of the indicative position of plot 2, I have taken into account the approved scheme at the appeal site which is currently being implemented under PF/19/2172. This approved scheme brings development closer to tree T20 compared to plot 2 such that I find there would be no undue pressure to seek its removal from future occupants of the appeal proposal.
17. Overall, whilst I have found that the proposed pattern and density of two dwellings at the appeal site would be acceptable in the context of the local character and would create an acceptable provision of private amenity space for future occupants it would nonetheless result in adverse long-term effects on a number of principal protected trees on site due to constricted layout for plot 1 and access arrangements for plot 2. All of the affected trees make a positive contribution to the wider amenity of the wooded character of High Kelling.
18. The proposal would therefore be contrary to Policy EN4 of the North Norfolk Local Development Framework Core Strategy 2008 which requires, amongst other things, that all development reinforces local distinctiveness by striking an appropriate balance between making the efficient use of land whilst respecting the character of the surrounding area and retaining existing important landscaping and natural features. It would also conflict with the National Planning Policy Framework (NPPF) which advises at paragraphs 117 and 122 that making an effective use of land should safeguard and improve the environment as well as take account of the desirability of maintaining an area's prevailing character and setting. The likely adverse long-term effects of protected trees would also conflict with NPPF paragraph 127 that development should be sympathetic to local character and maintain a strong sense of place.
19. I have regard to all other matters raised, including the modest economic and social benefits of providing a net additional dwelling to meet housing needs, but there is nothing that leads me to conclude other than the appeal be dismissed for the reasons given.

David Spencer

Inspector.