



Appeal Decision

Site visit made on 30 June 2020 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2020

Appeal Ref: APP/L2440/D/20/3248073

1 The Yews, Oadby, Leicestershire LE2 5EF

- 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 Ramnik Patel against the decision of Oadby and Wigston Borough Council.
 - The application Ref: 19/00414/FUL, dated 27 September 2019, was refused by notice dated 9 December 2019.
 - The development proposed is described on the application form as 'based on amendments to planning approval decision 31/08/2017, Ref:17/00341/FUL (1) cancel proposed side extension to keep same footprint as existing and avoid new foundations. (2) first floor addition to rear wing, with new roof, as previously approved. (3) raising roofline, with new roof, on side wing to accommodate staircase, making roof balanced and uniform and provide storage space.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor addition to the rear wing with a new roof, an increase in the roof height on the side wing, alterations to the overall roofing, and associated alterations at 1 The Yews, Oadby, Leicestershire LE2 5EF in accordance with the terms of application Ref: 19/00414/FUL, dated 27 September 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: Existing Plans – Elevations – Ref: RP/2019/EX01 Rev A; Proposed Plans – Elevations – Ref: RP-2019-P01 Rev A; and Tree Protection Plan – DWG No. 27362-11 Rev 1.
 - 3) The external surfaces of the development hereby permitted shall be as stated on the application form and depicted on the approved plans.
 - 4) No site clearance, preparatory work or development shall take place until the tree protection measures in relation to retained trees shown on Tree Protection Plan (DWG No. 27362-11 Rev 1) have been erected and put in place on site. The protection measures shown on the Tree Protection Plan shall remain in place during the course of construction. In addition, no site clearance, preparatory work or development shall take place until details of appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standards BS 5837: Trees in relation to design, demolition and

construction – Recommendations (or in an equivalent British Standard if replaced) have been submitted to and approved in writing by the local planning authority. Thereafter, work shall only be undertaken in accordance with the approved arboricultural method statement. In this condition “retained trees” means those trees identified as G1, T3 and T4 in the Tree Protection Plan (DWG No. 27362-11 Rev 1) which are to be retained in accordance with the approved plans and particulars.

Appeal Procedure

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

Procedural Matters

3. In the interest of clarity, I have used the description of development from the appeal form because it more accurately describes the development for which planning permission is required.

Main Issue

- The effect of the proposed development on the character and appearance of the area, including the effect on a group of trees covered by a Tree Preservation Order.

Reasons for the Recommendation

Character and appearance

4. No.1 the Yews is a large T shaped single storey dwelling. On the opposite side of The Yews is a two-storey religious building that is set back from the roadside behind a car park that is bound by trees and hedges. The dwellings further along The Yews vary in appearance and scale and whilst there is a consistent use of materials, there is no overriding pattern of development within the street scene. The surrounding area is characterised by tree lined roads, with many mature trees being covered by a group Tree Preservation Order, including a small group of consisting of Ash and a Corsican Pine which are situated on the open verge/ garden to the front of the site. The dwellings are all generally located behind large gardens or off-street parking areas and the street scene has an open suburban character.
5. The site is located within the Oadby Arboretum Urban Character Area as defined in the Oadby and Wigston Landscape Character Assessment (updated 2018). The defining characteristics of this character area include; high level of specimen tree planting along streets and in gardens; impressive building frontages and strong boundary treatments; and individually designed historic buildings. Although the property itself does not have a strong building frontage, on account of its T-shaped plan and is not of historic importance, the mature trees within the garden and on the site frontage are consistent with the wider character area and provide an attractive environment.
6. The proposal is to extend the dwelling by constructing a first floor alongside a number of minor alterations. The footprint for the dwelling would remain almost the same, except for a small extension where the front section of the dwelling connects with the rear of it. The proposed first floor would be partly

covered by UPVC cladding which is commonly used within the street scene and the rest of the extension would be constructed from matching brickwork and roof tiles.

7. No.1 and No.3 The Yews are similarly designed dwellings, although there is some variation in the layout and architectural detail of the two buildings. To the east of these two dwellings are further dwellings that have a similar footprint but are two storeys in height. Whilst No.1 and No.3 do share a similar appearance, single storey dwellings do not dominate the street scene and there appears to be no consistent pattern of development with regard to the scale of the dwellings within the street scene. Consequently, a two-storey dwelling in this location would not appear incongruous within the street scene. The two dwellings are similarly designed and within the street scene they do have an attractive symmetry. Nevertheless, given the variety of local building styles and the absence of a uniform layout, the loss of this symmetry would not have an unduly harmful impact upon the street scene.
8. Furthermore, planning permission has already been granted for a first-floor extension along the rear section of the dwelling (Ref:17/00341/FUL) and this permission has not lapsed. As such, I consider this to be a realistic fall-back position and there is more than a theoretical possibility it would be implemented if the appeal was to fail, given the desire to extend the property. The approved extension would also remove the symmetry shared between the two dwellings and the main difference between the approved scheme and the one before me is the first-floor extension over the southern element of the building and the difference in the effect the two schemes would have upon the street scene would be limited.
9. As noted above, the materials proposed would match the host dwelling, as well as using other materials that are common within the wider street scene. The footprint of the dwelling would remain the almost the same and whilst the scale of the building would be significantly larger, the use of appropriate materials would retain the character of the building. Although the proposed frontage would be more imposing than the current bungalow within the street scene it would not be out of scale with the prevailing pattern and the boundary treatment would not undergo significant change. Consequently, the proposal would retain the main characteristics of the character area.
10. A number of trees are proposed to be removed from within the site but those identified in the Tree Protection Plan (DWG.No:27362-11 Rev 1) would be retained, including the trees protected by the TPO and the trees and hedgerows that bound the site along Stoughton Road. As such the proposal would retain a high level of specimen tree planting along the street and within the garden.
11. The Tree Protection Plan shows that the house is partly within the Root Protection Area (RPA) for the protected trees. Nevertheless, the proposal would not require any new foundations to be built within the identified RPA. However, the Arboricultural Impact Assessment (AIA) that has been provided by the appellant identifies that the trees could be at risk of harm through soil compaction or direct damage resulting from construction processes or deliveries if adequate protection measures are not employed during construction. A tree protection plan has been provided depicting the location of protective fencing, ground protecting matting and areas where materials should be stored.

12. The AIA also recommends that an Arboricultural Method Statement is required to ensure the construction work that is carried out close to the trees does not cause damage to the crown or the root system. The Council does not appear to object in principle but the second reason for refusal is based on the fact that a method statement was not submitted with the application. Based on the AIA and the tree protection plan I am satisfied that a suitably worded condition to require the submission and agreement of an Arboricultural Method Statement prior to commencement would be sufficient to ensure the identified trees would be protected during the construction period.
13. Therefore, whilst the proposed first floor extension would result in a significant change to the appearance of the host dwelling, the design of the extension would retain the character of the dwelling and the scale of the extended dwelling would be appropriate within the street scene and the Oadby Arboretum Urban Character Area. As such, the proposal would be in accordance with policy 1 of The Borough of Oadby and Wigston Local Plan 2011 – 2031 (LP) (adopted 2019) which looks to ensure development conforms with the local planning policies contained within the LP. The proposal would also accord with policy 6 of the LP which requires development to respect the existing local and historic character as well as creating development that is of high architectural quality. The proposal would also comply with policy 44 of the LP which requires development to conserve and enhance the distinctive landscapes in the Borough. The proposed development would also comply with the Landscape Character Assessment as well as the Residential Development Supplementary Planning Document (2018) which requires development to have a relationship with its surroundings in terms of massing, height, balance, use of materials, roof shape and architectural detailing. The proposal would also comply with the National Planning Policy Framework in so far as it wants to ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Conditions

14. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the approved plans, for the avoidance of doubt. In the interests of the character and appearance of the area a condition is also necessary to ensure that the materials match those on the existing dwelling but to also include the UPVC cladding which has not been used in the construction of the dwelling.
15. A condition is necessary to submit an Arboricultural Method Statement prior to development taking place to ensure the identified trees are protected during the construction period.

Conclusion and Recommendation

16. Therefore, the proposed extension would retain the character of the host dwelling and would have an appropriate appearance within the street scene. The extended dwelling would be an appropriate scale within the street scene and the proposed works would not cause harm to the trees that are covered by a TPO. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR