



Appeal Decision

Site visit made on 28 July 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2020

Appeal Ref: APP/J4423/W/20/3250143

The Coppice, 10 Stumperlowe Hall Road, Sheffield S10 3QR

- 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 and Mrs Tordoff against the decision of Sheffield City Council.
 - The application Ref 18/02685/FUL, dated 11 July 2018, was refused by notice dated 2 October 2019.
 - The development proposed is erection of a dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, having particular regard to protected trees.

Reasons

3. Stumperlowe Hall Road is a residential street comprising of large detached houses set within plots with mature trees and garden planting giving the area an established verdant character.
4. The proposal is to construct a two-storey house within the front garden of 10 Stumperlowe Hall Road. The garden of No 10 is elevated and contains a number of trees and other garden shrubs which feature prominently within the street scene, including four trees covered by a Tree Preservation Order¹ (TPO). In order to construct the house it would be necessary to remove sixteen of the twenty one individual trees within the site, as identified in the appellant's Arboricultural Impact Assessment² (AIA). This includes two Larch trees covered by the TPO (TPO trees T3 and T4).
5. The TPO was made during the course of the Council's determination of the scheme so the trees were not protected at the time the application was submitted. There is a dispute over the categorisation of TPO trees T3 and T4. I recognise that there is an element of professional judgement on such matters, but either way, they are now protected by the TPO and despite their category C score in the AIA, neither tree is identified as being in poor health, or with major structural issues. This was confirmed in the Council's assessment of the trees when the TPO was made and there is no evidence that would lead me to reach a different conclusion.

¹ Sheffield City Council Tree Preservation Order No 430 (2019)

² By Jon Coe Tree Services Ltd, 27 November 2018 Ref: JC/109/181127

6. Furthermore, notwithstanding the appellant's submissions, I was able to confirm at my site visit that TPO trees T3 and T4 contribute positively, both individually and in combination with the other trees and garden vegetation, to the quality and verdant character of the site and the wider area. Moreover, as they are early mature specimens, the value of these trees is likely to increase as they continue to grow. With a future life expectancy in excess of 20 years, and considerably longer in the view of the Council's tree officer, they could continue to make a positive contribution to the area for many years to come.
7. The appellants suggest that the proposed site layout allows retention of vegetation in the front acute corner of the site and provides the opportunity to add more planting to replace lost trees and vegetation. However, this is only shown in basic detail on the plans in the form of replacement hedge planting and retention of a single Lawson Cypress which the AIA identifies for removal. Neither would successfully maintain the verdant character of the site. Furthermore, whilst specific details of landscaping could be secured by a condition, the opportunities for any additional planting at the front, particularly replacement trees, would be severely limited due to the proximity of the house to the front and side boundaries, coupled with the new driveway and hardstanding. Therefore, even allowing for provision of further landscaping, the landscaping would still in all likelihood be very modest and would not adequately offset the loss of protected trees that make a positive contribution to the character and appearance of the site and area.
8. In reaching my conclusion, I have taken into account that there are a number of infill developments in the immediate area. I am also satisfied that the scale, design and orientation of the proposed house would be sufficiently in keeping with the different age and styles of existing housing to not appear as an incongruous element in the street scene. Nonetheless, for the reasons set out above I am not persuaded that the effect of the loss of the two healthy protected trees, individually and in combination with the diminution of the site's verdant character as a whole in order to facilitate the development, would be minimal and without causing considerable harm to the character and appearance of the area, notwithstanding it is not a conservation area. I have also taken into account that the proposed house would meet the specific needs of the appellants, but on the information before me, this does not amount to a consideration which would justify the harm I have identified.
9. I conclude, that when considered as a whole, the development would cause unacceptable harm to the character and appearance of the area, with particular regard to the loss of trees on the site which are the subject of a TPO. This is contrary to Policy GE15 of the Sheffield Unitary Development Plan 1998 (UDP), which protects trees and woodlands and requires developers to retain mature trees wherever possible. There is also conflict with criterion f) of UDP Policy BE5, which requires designs to take full advantage of the site's natural and built features, and Policy CS31 of the Sheffield Core Strategy 2009 (CS), which gives priority to safeguarding and enhancing the character of this area, including its natural setting, trees and mature gardens. In addition, the proposal would conflict with paragraph 127 of the National Planning Policy Framework (the Framework), which requires that developments add to the overall quality of the area and are sympathetic to local character including landscape setting.

10. The Council has also referenced conflict with UDP Policy H14; however, given that the scale and design of the dwelling would be acceptable and that the Council did not identify any harm to the living conditions of neighbours, or to highway safety, I find no significant conflict with this particular policy.

Other Matters

11. I note that at the time the Council determined the application it was not able to demonstrate a 5 year supply of housing. Evidence submitted with the appeal indicates that the Council is now able to demonstrate a 5 year supply of housing. This is not disputed by the appellants.
12. Nevertheless, I recognise that the housing supply position is a fluid situation and that the Council's position is marginal. I am also cognisant of the importance that the government places on boosting the supply of housing. In this respect, the provision of an additional dwelling to the local housing market would be a small social benefit of the proposed development. There would also be some small short-term economic benefits from construction. These modest benefits weigh in favour of the proposal.
13. However, set against these benefits, I have found that the development would cause unacceptable harm to the character and appearance of the area, in conflict with Policies GE15 and BE5 of the UDP, and Policy CS31 of the CS. The objectives of these policies are consistent with paragraph 127 of the Framework so I attach significant weight to this conflict.
14. Therefore, even if I were to treat the policies for the supply of housing as being out of date, and the tilted balance of paragraph 11 of the Framework applied, the adverse impacts of the proposal, set out above, significantly and demonstrably outweigh the benefits that would flow from the provision of one new dwelling when assessed against the Framework taken as a whole. Consequently, the proposal would not deliver a sustainable form of development.

Conclusion

15. For the reasons set out, I conclude that the proposal would be contrary to the relevant identified policies of the development plan, and the Framework, and therefore the appeal should be dismissed.

A Caines

INSPECTOR