



Appeal Decision

Site visit made on 8 December 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/C3240/W/20/3257067

Curtilage of Woodthorne House, Sutherland Avenue, Wellington, Telford TF1 3BH

- 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 Wrekin College against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0274, dated 25 March 2020, was refused by notice dated 20 May 2020.
 - The development proposed is outline application for residential development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with matters of scale and layout to be determined at this time.

Main Issues

3. The main issues in this appeal are the effect of the development on the character and appearance of the area and protected trees on the appeal site.

Reasons

Character and appearance

4. The appeal site comprises part of the curtilage of Woodthorne House, which had previously been used in conjunction with Wrekin College. Woodthorne House is a large property, surrounded on all sides by curtilage. Tall trees form the boundary around the property, bolstered by fencing. The surrounding area is predominately residential in nature, but there are other educational facilities in the locality.
5. The dwellings in the vicinity are mainly set in generous sized plots, giving an overall sense of spaciousness. Backland development such as the appeal proposal does not form part of the local area. The plans submitted indicate that the development will be accessed from Roslyn Road through a single access which will serve a pair of semi-detached dwellings.

6. From the adjacent properties and their gardens, the dwellings would appear as an uncharacteristic intrusion, at odds with the established pattern of development on Roslyn Road and Sutherland Avenue. The dwellings would undoubtedly diminish the sense of spaciousness in this pleasant residential area. The sub-division of the curtilage to Woodthorne House would fragment and disrupt the linear pattern of development in the locality and therefore be detrimental to the character and appearance of the area.
7. As a result, I find that the proposals are contrary to Policies SP1, SP4 and BE1 of the Telford & Wrekin Local Plan (2018) (The LP) which collectively expect development to respond positively to its context, enhance the quality of the built environment and preserve and reinforce street patterns and layouts.

Effect on protected trees

8. There are trees on and around the site that are protected by Tree Preservation Orders (TPO). The proposal would require the felling of a TPO tree and a car parking space and turning area would be within the root protection area (RPA) of another TPO tree that is close to, but not located within the site boundary. In addition to these, the site entrance is proposed to pass through the RPA of another TPO tree.
9. There are mitigation measures ('no dig') proposed to minimise the effect on the RPA, but regarding the loss of the TPO tree, the appellant states that the social, economic and environmental benefits of the proposal outweigh the loss of the tree.
10. I disagree with this finding. The tree in question is noted in the Arboricultural Impact Assessment (AIA) as a tree of good health, and the loss of the tree, without any replacements or mitigation proposed. The benefits of the scheme, where the Council can demonstrate a 5 year housing supply, do not outweigh the loss of the TPO tree in this instance.
11. Whilst the AIA sets out tree protection measures during the construction period, I am not satisfied that it has been demonstrated that the proposal would not result in the further loss of, or damage to, trees covered by a TPO.
12. I have further concerns for the future relationship between trees and the development. The proximity of trees to the access and parking areas gives rise to the reasonable likelihood that occupants would seek improvements by significant tree pruning or putting pressure on the Council by felling trees. Whilst the Council can assess such proposals, these factors have to be taken into account in the overall scheme design process to limit any potential for conflict and maximise tree retention.
13. In conclusion, I find that it has not been demonstrated that the development would not result in potential loss or damage to trees covered by a TPO, and insufficient mitigation has been forwarded to offset the total loss of an existing TPO tree. As such the development is contrary to policy NE2 of the LP which seeks to protect trees impacted by development and the arboricultural guidance set out in the National Planning Policy Framework (the Framework).

Conclusion

14. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal would be contrary to the Local Plan and the Framework and other material considerations do not lead me to any other decision. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR