
Appeal Decision

Site visit made on 13 October 2020

by Elaine Benson BA (Hons) DipTP MRTPI

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

Decision date: 23/12/2020

Appeal Ref: APP/A1910/D/20/3254895

6 Long Chaulden, Hemel Hempstead, HP1 2HT

- 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 Ayat Noorbakhsh against the decision of Dacorum Borough Council.
 - The application Ref 20/00332/FHA, dated 18 March 2020, was refused by notice dated 11 May 2020.
 - The development proposed is an extension.
-

Preliminary Matter

1. In its decision notice the Council described the proposed development as 'two storey side extension and single storey rear extension'. However, the appeal property (No 6) is an end of a terrace house which stands at the corner of Long Chaulden and Chaulden Terrace. Unlike its neighbours, No 6's front door opens onto Long Chaulden. It would be more appropriate to describe the development as 'part two storey part single storey side extension' as the appellant has done in the appeal submissions. It is clear from the Council's officer report that the application was considered on this basis. I shall do the same.

Decision

2. The appeal is dismissed.

Main Issue

3. The effect of the proposed extension on the character and appearance of the surrounding area in respect of its impact, if any, on neighbouring street trees.

Reasons

4. It is proposed to erect a single storey side extension which would project forward of the end elevation facing Long Chaulden. A first-floor element would be erected over the central part of the extension. The planning application was amended a number of times. Based upon the final drawings, the Council raised no objections to the design of the extension and found no adverse impact on neighbouring properties. There are no reasons to disagree and this appeal decision therefore focusses on the main issue identified above, using the same drawings as the Council.
5. The grass verge alongside No 6 contains 4 mature, Council-owned street trees. The trees are highly visible and can be seen for some distance along the road which rises towards the west. They are very important to the character and

appearance of the locality. The trees are not protected by a tree preservation order. However, this does not diminish their importance. As they are under public ownership, the trees are in any event protected.

6. To address any potential impact on the trees during the construction of the extension, an Arboricultural Impact Assessment (AIA) was submitted. Its Tree Survey Schedule states that the Category of Retention for tree T1 (Apple) is C2 and for the 3 Fastigate Hornbeams is B3. Tree T1 is suppressed by the closely neighbouring T2 and its crown is asymmetrical. Nonetheless, the physiological and structural condition of all of the trees is described as good, being in healthy condition with no significant problems. These conclusions have not been disputed by the Council and there are no reasons to disagree.
7. The AIA indicates that the footings of the extension would encroach into the root protection areas (RPAs) of the 2 trees nearest the building, T1 and T2. However, the AIA assumes that there are no roots beneath an intervening brick outbuilding, the upper parts of which had been demolished at the time of my site visit. On this basis the AIA states that there would be an encroachment of less than 4% into the RPA of T1 and 3% into the RPA of T2, indicating that the overall degree of root pruning would cause very little harm, if any, to these trees. Any encroachment into the more distant RPAs of trees T3 and T4, could be mitigated by tree protection fencing. Pruning of the northern side of trees T1 and T2 would also be required during construction.
8. No physical investigations have been carried out to identify the extent of the tree roots and the presence or depth of any outbuilding foundations. In the absence of this definitive evidence I am unable to conclude with any certainty the extent of and impact that root pruning would have on the trees. These details would enable it to be determined whether specific foundation construction techniques could be used to protect the roots of the affected trees.
9. I have considered whether such details could be required by condition. However, there is a risk of an unimplementable planning permission which would clearly be unreasonable. Furthermore, the additional work in investigating these matters would be at a cost, as could carrying out any necessary works during the construction of the extension. Under these circumstances it would be unreasonable to require further details by condition.
10. Following the construction of the extension, the AIA indicates that repeated pruning of the northern side of trees T1 and T2 would be required to maintain clearance over the extension, supporting the Council's concerns about increased future pressure for pruning. At the time of my site visit the trees had recently been pruned, at the appellant's request, and were at their smallest. Their future growth should be taken into account.
11. The proposed extension would bring the property closer to the trees. In my experience the number and position of new windows that would be under the influence of the trees would in themselves lead to future pressure for pruning or removing the trees. Such works could adversely affect their appearance and longevity, thereby harming local character. Whilst a revised window arrangement might address these concerns to some degree, such changes could not be required by condition as the use of the rooms would be fundamentally affected.

12. For the reasons set out I conclude that the proposal conflicts with the aims of saved Policy 99 of the Dacorum Local Plan and Policies CS11 and CS12 of the Core Strategy. The policies require consideration of any intentions for the future management of trees. In summary and of relevance to this appeal they seek to retain important trees, or replace them if their loss is justified, to protect quality streetscapes. There would also be conflict with the general aims of the National Planning Policy Framework to support and improve neighbourhood character and quality.
13. I have considered all other matters raised. There is no evidence that the 'Appeal Precedents' referred to by the appellant have any bearing on the proposal before me which has been determined on its own individual and specific considerations.
14. In conclusion, based on the evidence available, the proposed extension would have an unacceptable impact on the health and longevity of the adjacent street trees. The loss of or damage to these trees would severely harm the character and appearance of the surrounding area. Accordingly, the appeal is dismissed.

Elaine Benson

INSPECTOR