



Appeal Decision

Site Visit made on 1 December 2020 by S Watson BA(Hons) MSc MRTPI

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/X2410/W/20/3258077

Land at Shelley Street, Loughborough, LE11 5LB

- 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 B Finney (Snr) against the decision of Charnwood Borough Council.
 - The application Ref P/20/0198/2, dated 31 January 2020, was refused by notice dated 4 June 2020.
 - The development proposed is for the erection of 4 single storey dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Preliminary Matters

3. The proposal before me has been made in outline with only the matters of access and layout being considered at this stage. All other matters, including appearance, landscaping and scale, have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings in these respects are for illustrative purposes only, and I shall consider them as such.

Main Issues

4. The main issues in this case are:
 - Whether or not the proposal would provide appropriate living conditions for future occupiers by way of external garden space; and,
 - The effect of the proposal the character and appearance of the street scene, with particular regard to trees near to the site.

Reasons

Living Conditions

5. The layout of the scheme is one of the matters being considered at this stage. The gardens serving plots Nos 1, 2 and 3 would be relatively shallow and directly beneath the canopies of trees T1, T2 and T3. Although the trees had completely dropped their leaves at the time of my visit, they still cast shadows

across the site and appeared as imposing features when viewed from the area of the proposed gardens. As a consequence, I find it more than likely that the level of overshadowing would be dramatically increased during spring and summer while the trees are in full leaf, and when future occupiers would be more likely to want to sit out and enjoy their gardens. Moreover, given the scale of the trees, the associated leaf litter in each garden would cause nuisance for future occupiers and additional maintenance would be needed for the gardens.

6. Although the garden serving Plot No 4 is positioned close to trees T5 and T6 the majority of the useable garden space is not beneath their canopies and would therefore not be adversely affected, as such the garden would be pleasant for future occupiers. I therefore find that the living conditions provided for the occupiers of Plot No 4 would not be unacceptable.
7. The appellant has submitted a Tree Survey and Impact Assessment Report (TS) which states that although no trees would need to be removed to facilitate the development, T1 is assessed as unsuitable for retention due to fungal decay at its base irrespective of the development. Furthermore, it also recommends the canopies of trees T2 and T3 be pruned.
8. The trees are owned by the Council. While stating that the trees are monitored and a risk based approach is taken to their management and removal, and that the TS has been assessed by Council officers, there is no substantive evidence before me to provide a meaningful challenge to the TS.
9. Nevertheless, even if T1 were to be removed, T2 and T3 would remain, extending over the gardens of plots 1-3. Both have been assessed as having high amenity value in the TS. Tree T2 in particular is classed as a tree of moderate quality and value with 20 to 40 years estimated life expectancy and little justification for the suggested level of pruning. Furthermore, even if they were to be pruned as suggested they would still grow back and cause problems as I have outlined above.
10. Overall, for the reasons above, I consider the quality of the gardens associated with the dwellings proposed for Plots 1, 2 and 3 would be poor resulting in unsatisfactory living conditions for future residents. The proposal is therefore contrary to Policy CS2 of the *Charnwood Local Plan 2011 to 2028: Core Strategy* (CS) and Policy EV/1 of the *Borough of Charnwood Local Plan* (LP), amongst other things these policies require high-quality design, including protecting the amenity of those who will live in the new development. The development would also conflict with Paragraph 127 of the *National Planning Policy Framework* (the Framework) which seeks development to promote health and well-being, with a high standard of amenity for existing and future users.

Character and Appearance

11. The appeal site is within a fenced-off park home site within a wider residential area. The site itself contains a variety of small utilitarian buildings connected to the park home use, and The Rancher, a bungalow. The wider area is characterised in part by soft landscaping which includes mature trees. The three large trees T1, T2 and T3 are located outside of the site, along the western boundary but overhang the site. These form an important feature

- within the street scene contributing positively to the verdant character and appearance of this residential area.
12. I have already found that the proposal would not provide satisfactory living conditions for future residents due to the proximity of the trees. It is not unreasonable to assume that dissatisfaction with shade, falling leaves and debris could well grow with experience. If the development were to be allowed therefore, there would be a significant risk of that leading to pressure for substantial reduction or complete felling of some of the trees. Any works to cut back the trees solely on the appellant's side would result in the trees appearing lopsided, harming the positive appearance they provide to the street scene. Moreover, any significant works that may be necessary following the development could compromise the health of the trees resulting in a need to fell them. I also consider it likely that future occupiers may have concerns regarding the proximity of any trees with regard to damage to their property should a dead branch or tree fall.
 13. While I acknowledge the results of the TS indicate that T1 requires felling and further investigation is recommended for tree T3, there is no substantive evidence before me to indicate T3 needs felling. Any further reduction or felling of the trees which may result from the proposals would be harmful to the verdant character and appearance of the street scene. Although the trees are not currently protected, by way of a tree preservation order or by being within a conservation area, this does not diminish the benefit they have to the green character and appearance of the street scene and surrounding area. Indeed, as I have noted above the TS finds that trees T2 and T3 have high amenity value.
 14. In conclusion, the proximity of the trees to the proposed dwellings would put pressure on the trees being pruned or felled which would be harmful to the character and appearance of the street scene. The proposed bungalows would therefore be in conflict with CS Policy CS2 and Policy EV/1 of the LP which require development to be of quality design, respecting the local environment and character of an area. It would also conflict with high-quality design aims of Paragraph 127 of the Framework.

Other Matters

15. There is no dispute that the Council is unable to demonstrate a five year housing land supply. In considering the potential benefits of the proposal, I note that the new dwellings are in an accessible location which would contribute to the Council's five year housing land supply as required by the Framework. I afford this benefit moderate weight.
16. In addition, the construction of the dwellings would derive some economic benefits, but this would only be for a limited time. Furthermore, given the small scale of the development, the contribution to the local economy from the spending power of future occupants is unlikely to be significant. I therefore give these benefits limited weight.
17. The proposed development would have the potential to cause harm to the character and appearance of the area and would provide unsatisfactory living conditions for future residents. These impacts are contrary to both local and national planning policy to which I give considerable weight.

18. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 11d of the Framework does not indicate that permission should be granted, and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.

Recommendation

19. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

Zoe Raygen

INSPECTOR