

Appeal Decision

Site visit made on 11 May 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2021

Appeal Ref: APP/U2615/D/20/3259371

47 Suffolk Road, Gorleston, Great Yarmouth NR31 0PZ

- 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 Jack Leggett against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0227/F, dated 4 October 2019, was refused by notice dated 12 August 2020.
 - The development proposed is described as 'dropping the kerb at front of my property'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dropped kerb on a street tree and, related to this, on the character and appearance of the street scene.

Reasons

3. The appeal property is a two storey terraced dwelling in a residential road of similar property types.
 4. The proposal involves provision of a dropped kerb to enable vehicular access to a parking space, which is currently in use in the appeal property's front garden. A lime tree is positioned on the pavement in front of the boundary between Nos 45 and 47. The Council's Arboricultural Officer indicates that works undertaken within the canopy will have a detrimental effect on the tree, reducing its life expectancy. The appellant refers to professional advice that an appropriate approach to the works would not result in harm to the tree.
 5. I acknowledge this difference of opinion, but based on the site inspection and submitted plans I consider that due to the tree's proximity to the location of the dropped kerb and the likely extent of its root network based on its size, the proposed works would damage the tree's health and so reduce its life expectancy.
 6. There are a number of lime trees of similar size and appearance planted along this part of Suffolk Road. As a group and individually they make a positive contribution to the street scene and, therefore, the premature loss of the tree
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close to No 47 would have a harmful effect on the street's character and appearance.

7. Accordingly, for these reasons, I conclude that the proposed dropped kerb would have an unacceptably harmful effect on a street tree and, related to this, on the character and appearance of the street scene. Consequently, it is contrary to Policy CS11 of the Great Yarmouth Core Strategy (2015), which seeks to enhance the natural environment. I accept also that any potential damage to the tree could have implications for highway safety, as the Council contends, and in this regard the proposal is contrary to Policy CS16(c) of the Core Strategy concerning highway safety.

Other Matters

8. The appellant contends that the proposal would help to reduce on-street parking, which causes congestion. However, at the time of the inspection there was extensive parking on both sides of the street and there was no evidence that this harmfully obstructed the free flow of traffic.
9. I acknowledge that the appellant may be frustrated with the process involved in pursuing this proposal; and that there are personal circumstances for wishing to park close to the house. However, these matters do not outweigh the material harm and conflict with the development plan resulting from the proposal.

Conclusion

10. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR