



Appeal Decision

Site Visit made on 18 May 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th May 2021

Appeal Ref: APP/F3545/W/20/3263560

High Trees, The Park, Great Barton, Bury St Edmunds, IP31 2SX

- 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 & Mrs D Doran against the decision of West Suffolk Council.
 - The application Ref DC/20/0755/FUL, dated 10 May 2020, was refused by notice dated 3 August 2020.
 - The development proposed is described as 'Erection of a two storey dwelling and detached garage'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey dwelling and detached garage at High Trees, The Park, Great Barton, Bury St Edmunds, IP31 2SX, in accordance with the terms of the application, Ref: DC/20/0755/FUL, dated 10 May 2020, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, including its effect on protected trees.

Reasons

3. The appeal site encompasses an area of woodland annotated as Area A2 in the relevant Tree Preservation Order (TPO). Area A2 is a core component of The Park and is broadly surrounded by large properties in generously landscaped plots. As a result, the area has a spacious, verdant and semi-rural feel and appearance that contributes positively to the character of the village. In particular, the canopy of the tall trees within the appeal site make a noticeable contribution to the leafy backdrop of several properties and the distinctive sylvan character of the area when viewed from nearby streets and homes. This is acknowledged in the Council's Rural Vision 2031 (2014).
4. The proposed building and associated domestic paraphernalia would reduce the spaciousness, verdancy and undeveloped character of the site, but not to a significant extent given the overall size of the plot, which would be large. Moreover, the dwelling would be situated within a suburban area with an overriding residential character. In this context the addition of a single house would not appear strident or out of place. Furthermore, the proposed dwelling would be separated from neighbouring houses by some way, with its presence further softened by intervening tree cover and generous gardens. As a result, the appeal scheme would assimilate with the pattern and grain of development in the vicinity of the site.

5. The proposal would also include a comprehensive landscaping scheme that would include additional planting such as woodland flowers. This has the potential to improve the quality and verdancy of the area. The house would have an unusual appearance but would be finished in timber and dark materials. This would make it reasonably unobtrusive given the wooded setting and the separation distance from neighbours and the public highway.
6. The proposal would require the removal of two trees¹, one of which is a mature sycamore (T015) located towards the centre of the site. The other is a small Hazel of negligible amenity value the loss of which would have no appreciable effect on the area. However, the removal of T015, which is a tall specimen, would erode the canopy of the woodland and thus dilute its verdancy and that of the locality. However, the appellant's AIA² suggest that T015 is in a poor condition and should be removed on health and safety grounds regardless of whether the development proceeds. I have no reason to doubt these findings, which are those of professional arboriculturalists. As such, I see no reason to resist the removal of T015. Felling this tree would open a reasonably sized clearing in the woodland.
7. The clearing would be large enough to accommodate the proposed dwelling and garage without any interference with the canopy of the retained trees or encroachment into their root protection areas. In addition, services could be installed without prejudicing the trees. As a result, the physical presence of the dwelling is unlikely to directly affect the health and longevity of onsite trees.
8. When siting a dwelling amongst large trees, careful consideration must be given to the likelihood of post development pressure. The trees will discard leaves and other detritus, but this would be a minor nuisance rather than a safety concern that would justify the removal of the trees in the future.
9. The proposed dwelling would have large windows and living space on the first floor to maximise light. The living areas would also be away from the more important larger trees to the east. There would also be space for an outside amenity area to the south east of the dwelling which would not be unduly hemmed in by the trees. This configuration, taken with the size of the clearing once T015 is removed, would ensure the dwelling and garden received adequate levels of day and sun light. The Council have not alleged that future occupants would be subject to inadequate living conditions and I share this view. The implication being that there would be no immediate pressure for further tree works in the short term to preserve adequate living conditions.
10. The AIA indicates that nearly all of the trees are of moderate maturity with most having over 10+ or 20+ years of safe useful life expectancy. Accordingly, there is scope for the trees to get larger. However, I have seen nothing of substance that demonstrates they would get to a size that would justify different findings to those set out in the preceding paragraph.
11. Over time the trees could start to deteriorate and some already have minor defects that would require monitoring. Defects could result in branches falling, particularly in high winds. The risk and consequence from branch shedding due to defects is probably quite low at present because nearby houses are some

¹ Tree T005 was also identified in the AIA as needing to be felled and has been removed already.

² Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan in Accordance with BS 5837:2012 by Hayden's Arboricultural Consultants

distance away and the appeal site does not appear to be intensively used by the occupants of High Trees. The construction and occupation of the proposal would therefore increase the likelihood and severity of a falling branch or tree. Due to the increased risk, the Council could come under pressure to allow applications to manage or fell the trees on perceived or actual safety grounds which it may not have otherwise sanctioned if the risk was lower.

12. However, the site history demonstrates that the Council has approved the removal of protected trees from the site on safety grounds even though there is currently no dwelling there. This suggests the existing risk level justifies tree loss and the appeal scheme would not significantly change that. Moreover, the proposed dwelling would not be directly underneath the canopy of any tree and the risk from trees cannot be eliminated. The Council accepts that it is commonplace for trees to be present in areas where injury or damage may occur if a tree or part of a tree were to fall. Such arrangements appeared quite common in Great Barton given its sylvan character. Significantly, to lessen the risk of trees becoming dangerous to the point they require harmful intervention, the appellant has suggested the imposition of a planning condition that would require woodland management.
13. Overall, I am satisfied the risk would not increase to such an extent that the appeal should be dismissed. This matter is finely balanced but even if the proposal had fallen just short on this point, the benefits of the scheme, especially the self-build nature of the proposal in the context of an unmet need (secured through the submitted planning obligation), would have been sufficient to make the scheme acceptable overall.
14. In conclusion, the presence of the dwelling would erode the openness of the site, but in this instance that would not harm the character and appearance of the area. The removal of T015 is justified on safety grounds and the presence of the dwelling would not unacceptably increase the risk for post development pressure to harmfully manage or fell the trees. As a result, the proposal would not be at odds with Policy DM2 and DM13 of the Joint Development Management Policies Document 2015 or Policy CS3 of the St Edmundsbury Core Strategy 2010, which seek to secure development that safeguards the character and appearance of the area.

Other Matters

15. The Council have advised that the Great Barton Neighbourhood Plan (NP) is very close to being 'made'. It places the appeal site in the 'village centre woodland'. Policy GB12 seeks to preserve these woods. I interpret this to mean doing no harm to the village centre woodland. For the reasons already given the appeal scheme would not harm the woodland or healthy individual trees within it of amenity value. As such, a conflict with Policy GB12 would not occur. Similarly, the appeal scheme would be subservient to the woodland setting and would exhibit a contextually inspired design with a property set in a large plot that respects the grain of the area. The consequence being that a conflict with Policies GB5 and GB10 would not occur.
16. In deciding a previous appeal³ at the site for a single dwelling, the Inspector identified a harmful impact on trees and the amenity value of the woodland. However, in that instance the dwelling was significantly larger with a different

³ APP/F3545/W/19/3238557

configuration that would have put it closer to retained trees. Thus, there are material differences between the two schemes and therefore no inconsistency.

17. The application was supported by a biodiversity survey that concluded there would be no harmful impact on protected species subject to mitigation and enhancement measures. This has been reviewed by the Council and no concerns have been raised. Substantive evidence is not before me that would justify a different conclusion. The appeal site is located in Flood Zone 1 and, save for reference to standing water, substantive evidence is not before me to demonstrate it is an area known for flooding from any other sources and designated as such. A soakaway is proposed as the means of dealing with surface water and there is no technical evidence of substance before me to demonstrate this would be inappropriate. The proposal makes provision for a third party right of way, which is a private matter in any event, as is the potential for damage to the existing access drive. The presence of a dwelling would increase natural surveillance and therefore reduce the risk of crime.
18. The Council has referred to an appeal decision⁴ relating to a site in Bury St Edmunds but this would have required significant tree loss. The circumstances appear very different to the scheme before me and therefore it is not especially relevant to my assessment.

Conditions and Conclusion

19. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. It is necessary in the interests of certainty to ensure that the development is undertaken in accordance with the approved drawings. In the interests of safeguarding the character and appearance of the area (especially trees) it is necessary to secure landscaping, woodland management, parking in accordance with the drawings, the removal of permitted development rights to extend or alter the building and submission of an arboricultural method statement. This is a pre commencement condition because tree protection must be agreed prior to works starting.
20. To protect and enhance biodiversity it is necessary to secure the recommendations in the biodiversity survey submitted with the application. To ensure consistency with the development plan and reduce water consumption a condition triggering the optional building regulations is necessary. To protect living conditions, it is necessary to control construction hours. However, it is unclear why a condition detailing acoustic insulation is required and therefore it is unnecessary. As little site clearance would be required, a condition preventing the burning of waste is also unnecessary. Similarly, the proposal would be using an existing and long-established access (with no substantive evidence of the adjoining wall being damaged) so a condition relating to the access is unnecessary. Given the size of the site it is unnecessary to secure details of refuse bins.
21. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has succeeded.

Graham Chamberlain
INSPECTOR

⁴ APP/F3545/W/20/3254215

Schedule of Conditions

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in accordance with the details shown on the following approved plans: 104 Site Location Plan, 101C Proposed Block Plan, 105A Proposed Floor Plans, 106A Elevations 107A Garage Plans & Elevations, 8105 D-AIA Tree Survey, 108 Existing Block and 109A Service Plan.
3. The hours of site clearance, preparation and construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site clearance, preparation or construction activities shall take place at the application site on Sundays or Bank or Public Holidays.
4. Prior to the occupation of the approved dwelling, the site shall be equipped with a working electric vehicle charge point. The electric vehicle charge point shall be retained thereafter and maintained in an operational condition.
5. The use shall not commence until the area within the site shown on Drawing No. 101C for the purposes of manoeuvring and parking of vehicles and cycle storage have been provided and thereafter that area shall be retained and used for no other purposes.
6. No development above ground level shall take place until a Woodland Management Plan and a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within ten years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
7. Prior to the occupation of the dwelling, all ecological measures and/or works shall be carried out in accordance with the details contained in 'Extended Phase 1 Survey of Land at High Trees, Great Barton, Suffolk' (dated September 2018); as already submitted with the planning application. A minimum of 2 bat boxes and 3 bird boxes shall be fitted in accordance with the details set out in the survey above.
8. The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

9. Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) and a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following: a. Measures for the protection of those trees and hedges on the application site that are to be retained, b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths, c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained. The development shall be carried out in accordance with the approved Method Statement and Protection Plan unless agreed in writing by the Local Planning Authority.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures or any kind of solar panels shall be erected within the curtilage of the dwelling. No fences, gates or walls shall be erected within the curtilage of the dwelling and no windows, dormer windows, roof lights, or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level.