
Appeal Decision

Site visit made on 13 July 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2021

Appeal Ref: APP/R2520/D/21/3271043

10 Park Lane, Heighington, Lincoln, Lincolnshire LN4 1RF

- 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 A Biggs against the decision of North Kesteven District Council.
 - The application Ref 20/1806/HOUS, dated 15 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is erection of a rear 2 storey and 1st floor side extension (resubmission of 20/1158/HOUS) in addition to widening of access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's description on the decision notice accurately describes the proposed development. I have used this description in the banner heading above and determined the appeal accordingly.
3. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the Framework.
4. Planning permission has been granted at the appeal property for the erection of a two-storey side extension and the widening of the vehicle access by altering the wall to the western side of the site entrance¹.
5. The appeal proposal does not alter the details of the two-storey side extension which the parties agree is acceptable. However, the proposal includes the widening of the access by adjustments to the wall at the entrance's eastern side adjacent to an existing false acacia tree.

Main Issue

6. Having regard to the above, the main issue is whether the alterations to the access would preserve or enhance the character or appearance of the Heighington Conservation Area (HCA) with particular regard to its effect on a false acacia tree.

¹ granted under Local Planning Authority reference 20/1158/HOUS

Reasons

7. The special interest of the HCA in part derives from the stone walls and hedges along the back edge of the roads and footways within the village. These hedges and walls provide strong definition to boundaries and enclosure to road frontages. Stone and pantiles are the traditional forms of coping for stone walls and the majority of walls in the village have these. Mature trees, both singular and in groups, contribute to the street scene.
8. No 10 Park Lane is a detached house of relatively modern construction facing Park Lane. The front boundary of the property is defined by a stone wall with pantile coping. A false acacia tree is located in the front garden of the property adjacent to the front boundary wall in the north eastern corner of the plot. Vehicular access to No 10 is via a splayed entrance in the wall. There is a high boundary wall around Park View House, a grade II listed building adjacent to the appeal site. Boundary walls, hedges and mature trees contribute to the character and appearance of Park Lane.
9. The false acacia tree is substantial in size and is said to pre-date the construction of the appeal property and adjacent dwelling to the east. It is an attractive specimen and, although it is enclosed by walls and the adjacent garage, it makes a substantial and positive contribution to the character and appearance of the HCA.
10. The existing boundary wall at the appeal site is also important to the prevailing distinctive character and significance of the HCA. Even so, the alterations proposed to the wall would not diminish its contribution to the street scene and I see no objection in principle to its realignment. However, the wall would be rebuilt closer to the Acacia tree. I have no reason to doubt the Council's evidence that bringing the wall close to the tree within the root protection area (RPA) would lead to the deterioration of the tree and affect its long-term health.
11. I acknowledge that the appellant has undertaken some excavation work around the tree which did not reveal any major tree roots. However, this does not mean that the space around the tree where the existing porous surfaces provides moisture to its base is not important. I also accept that the tree is constrained by development that has taken place close to it and the proposals are modest, even so, these are not reasons to allow further development in the RPA, rather the remaining space becomes more critical because of the potential limitation to the tree's growth in other directions. As the tree is prominently located its deterioration or loss would be detrimental to the defining characteristics of the HCA and detrimental to the street scene.
12. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to preserving or enhancing the character or appearance of conservation areas and the Framework requires that I give great weight to the conservation of heritage assets.
13. The proposal would be modest, and in the terminology of the Framework the tree's loss or deterioration would result in less than substantial harm to the significance of the HCA as a designated heritage asset. Paragraph 202 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of heritage assets, that harm should be weighed against the public benefits of the proposal.

14. The proposed alterations to the eastern wall would provide an improved alignment with the garage entrance into the proposed extension, however, there is an alternative proposal to provide greater manoeuvrability at the entrance in place and, in any case, the access improvements would provide private rather than public benefits. There are no public benefits identified that would outweigh the great weight to be attached to the conservation of heritage assets and the proposal would therefore conflict with the Framework.
15. Overall, the alterations to the access would not preserve or enhance the character or appearance of the HCA with particular regard to its effect on the false acacia tree. It would conflict with Policies LP17 and LP26 of the Central Lincolnshire Local Plan adopted April 2017, where these policies seek to protect and enhance the intrinsic value of the landscape and townscape and ensure development contributes positively to local character. It would also conflict with the Framework where it recognises that trees make an important contribution to the character and quality of the urban environment.

Conclusion

16. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR