
Appeal Decision

Site visit made on 29 July 2021

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/L2630/D/21/3270764
83 Silfield Road, Wymondham, NR18 9AX

- 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 H O'Callaghan against the decision of South Norfolk Council.
 - The application Ref. 2020/1447, dated 11 August 2020, was refused by notice dated 14 January 2021.
 - The development proposed is extension to rear of dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given on the original application.
3. A revised National Planning Policy Framework was published on 20 July 2021, but as the revisions do not materially change the national approach to development of this nature it has not been necessary to seek the views of the parties on this matter.

Main Issues

4. The main issues are the effect of the proposal on (1) on the character and appearance of the area, with particular reference to trees the subject of a Tree Preservation Order; and (2) the living conditions of occupants of the extended dwelling, with particular reference to overshadowing and leaf fall.

Reasons

Effect on Trees

5. The appeal site is a modest 1½-storey dwelling with single-storey lean-to and flat roofed elements at the rear. It is sited towards the front of the site, with much of the remainder below the canopies of trees the subject of a group Tree Preservation Order, ref. 1985 No.1. As a prominent corner site at the junction of Silfield Road and Beechwood Court to the rear, the trees make a positive

contribution to the street scene and the character and appearance of the area. Although tree cover may be seasonal, at the time of the appeal site visit much of the garden area was in partial shade.

6. The tree canopy already extends reasonably close to the rear of the dwelling, but the closest element is single-storey and there are no habitable room windows in the rear elevation. The proposal would introduce two-storey development closer to the trees, and with some habitable room windows¹ facing into the rear garden.
7. The Arboricultural Impact Assessment which accompanied the application assesses most of the trees as 'Category B', in good condition and suitable for retention. Although some minor encroachment of a root protection area was identified, no facilitative crown pruning was considered to be required. The report noted that the crowns are high adjacent to the building, and therefore did not foresee that the proposed extension would make a marked difference to the pressure put on the trees for pruning. Whilst noting that the extension would experience a similar amount of shading from the trees as the current dwelling, it also stated that the shade needs to be mitigated by adequate fenestration, light gathering features or placing habitable rooms away from the shaded areas.
8. The proposal would be both deeper than the extensions that it would replace, but also much higher at the point closest to the trees. Whilst it may be physically possible to construct the development without causing harm to protected trees, I consider that the closer proximity and height would create undue pressure for the future removal of, or significant works to, the trees closest to the extended dwelling. The existing garden is affected by the tree canopies, but these could be perceived as unduly overbearing in closer proximity and with the introduction of extra windows. Although the trees would remain subject to protection, at such close quarters I consider this pressure for tree works to be a realistic prospect, and potentially difficult to resist. In the long-term, works to mitigate the impact of the trees is likely to undermine their retention, with implications for their public amenity value.
9. The appellant has identified that single- and two-storey extensions could be constructed as Permitted Development (PD). However, a PD extension would not be as deep as proposed in this case; there is no 'fallback' for an 8m deep extension suggested by the appellant as this would be subject to a Prior Approval process which cannot be guaranteed. Given the proximity, I consider that the greater depth of the proposal compared to a PD extension would be more harmful to the trees' future, and therefore I give this factor limited weight.
10. I appreciate the reasoning for the proposal, which includes thermal upgrading of the house, and to improve accessibility in accordance with Part M of the Building Regulations. However, these benefits would not outweigh the harm identified.
11. I therefore conclude that the proposal has the potential to undermine the long-term retention and amenity value of protected trees on the site, to the detriment of the character and appearance of the area. This would conflict with

¹ The submitted layout includes a ground-floor rear-facing kitchen/dining room window and a first-floor bedroom window.

Policy DM 4.8 of the South Norfolk Local Plan Development Management Policies Document 2015 (DMP), which seeks the retention and conservation of significant trees, and to safeguard and promote the appropriate management of protected and other significant trees, unless the need for, and benefits of, a development clearly outweigh their loss; and with Policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk, which amongst other criteria seeks to conserve and enhance existing environmental assets.

Living Conditions

12. The trees on site already cause a degree of shading to the garden, and there is an existing parking area below the trees. Whilst the outlook from habitable rooms may increase pressure for works to the trees to minimise their impact, I do not consider that the effect would be so marked as to create unacceptable living conditions for occupants of the extended dwelling. The effects of leaf and branch fall on parked vehicles could be inconvenient, but would not be any greater than the existing arrangements.
13. I therefore conclude that the proposal would create acceptable living conditions for residents in accordance with DMP Policy DM 3.13, which seeks to ensure a reasonable standard of amenity and to avoid issues including loss of day light, overshadowing and overbearing impact. However, this does not alter my conclusion on the first main issue.

Conclusion

14. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR