



Appeal Decision

Site Visit made on 24 August 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/P2365/W/21/3275672

20 Dingle Road, Up Holland WN8 0EN

- 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 Dr Santosh Dontula of the Matthew Ryder Clinic against the decision of West Lancashire Borough Council.
 - The application Ref 2020/1004/FUL, dated 27 October 2020, was refused by notice dated 15 February 2021.
 - The development proposed an extension of existing Doctor's Surgery to include new waiting area and office space.
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Decision

1. The appeal is allowed and planning permission is granted for an extension of existing Doctor's Surgery to include new waiting area and office space at 20 Dingle Road, Up Holland WN8 0EN in accordance with the terms of the application, Ref 2020/1004/FUL, dated 27 October 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. There are two parts to the appeal scheme. A flat-roofed extension to link the two existing buildings that form the clinic has already been granted planning permission by the Council (Ref: 2020/0221/FUL). The plans submitted as part of this appeal insofar as the flat roof extension reflect the approved scheme. No concerns are raised by the Council about this extension, and I have no reason to form a different view. The other extension would be to the western side of the building. This extension would provide office space and is subject of the dispute between the main parties.
3. Following the publication of the revised National Planning Policy Framework (the Framework) on 20 July 2021, both main parties have had an opportunity to comment on its relevance to the case. I have had regard to the responses received in reaching my decision.

Main Issue

4. The main issue is the effect of the proposed extension to the western side of the building on protected trees, and whether there is a need for the development that could not be met elsewhere and whether the benefits of the development clearly outweigh any loss or damage to the protected trees.

Reasons

5. The appeal site is a GP surgery located at the junction of Dingle Road and Tithebarn Street. The surgery is made up of two pitched roof brick buildings

linked by a glazed corridor. There are seven trees within the appeal site that are protected by Tree Preservation Order (TPO) (No. 15) 1996. The trees are of good amenity value and are an important feature within the street scene given the site's location next to the road which bends as it passes the surgery.

6. The proposal would be constructed within a large part of the root protection area of the Lime tree (T7)¹ and within a small part of the Beech tree's (T6) root protection area. Both trees are mature species, in good health with a life expectancy of over 20 years. In line with Framework paragraph 131 the trees make an important contribution to the character and quality of the urban environment in which they are sited. They would also help mitigate the effects of climate change due to their position near to Dingle Road and the centre of Up Holland. The trunks of T6 and T7 are within a grassed area. A low retaining wall is a short distance away with a further grassed area between it and the surgery at a slightly lower level. The car park is to the west of T6 and T7.
7. As the proposed extension would fall within the root protection area of the Lime tree, specialised pile foundations are proposed. This is not an ideal situation as it would be preferable to avoid disturbing the root protection area and the soil structure. That said, four test holes have been dug on site to assess the soil structure and rooting. The results of these indicate heavy compaction, limited roots and the soil profile not being conducive to root growth. There is also hardstanding next to and leading up to the building; some of this lies within the root protection area, some not.
8. Due to the on-site situation, the type of foundation proposed can potentially minimise the impact so that T7 is not lost or damaged, though further detail is necessary as the ground level between the retaining wall and the building is not flat. A planning condition could secure a method statement so that precise details of the specialised foundations and any necessary works within the root protection area are submitted, approved and implemented. Furthermore, ground protection measures would be necessary to avoid compaction to the roots or damage to the tree itself.
9. The canopies of T6 and T7 both extend towards or over the existing building. The canopy of T6 extends over the hipped roof already. This is not the case for T7, but part of the canopy would be directly impacted by the proposed extension to the western side of the building. Some pruning would be required to T7 to facilitate the extension's construction, but it is likely to be a relatively modest part of the total canopy to T7. I note the concerns around further pruning to T6 and T7 to reduce shading and light obstruction, but by lifting the crown of each tree I consider such works would not reduce their vigour or necessarily lead to their early demise or removal.
10. While Policy EN2 of the West Lancashire Local Plan (2012-2027) Development Plan Document (Local Plan) seeks development to avoid encroachment into the canopy area or root spread of trees worthy of retention, I conclude that in doing so, the proposed extension to the western side of the building would not, subject to planning conditions, harm the protected trees. As such, they would continue to make an important contribution to the character and quality of the urban environment in which they are sited. Given my finding on this matter, it is not necessary for me to go onto assess the need for the development and whether any benefits of it clearly outweigh any loss or damage to the protected

¹ References in decision according to TPO Order

trees. The proposal would accordingly comply with Local Plan Policy EN2 and Framework paragraph 131 as the trees which make an important contribution to the character and quality of the urban environment in which they are sited would continue to do so.

Other Matters

11. The design, size and materials of the proposed extensions would be in keeping with the existing building. Due to the position of the extensions in relation to the listed building at 22 Dingle Road I consider that there would be no adverse impact to its setting.
12. The proposal would result in some additional floor space being created. No additional parking spaces have been proposed but the site is located so that there is a choice of travel available to and from the surgery. In addition to the car park on site there is also a public car park nearby. I do not therefore consider the proposal would lead to adverse effects on highway safety.

Conditions

13. I have had regard to the suggested planning conditions provided by the Council. Where appropriate I have sought the written approval from the appellant for the pre-commencement conditions. In the interests of certainty an approved plans condition is necessary. So that the external appearance of the extensions respond to their host and the surrounding area a matching materials condition is necessary. A condition is necessary so that adequate drainage is provided and to prevent on or off-site flood risk to secure the foul and surface water drainage strategy. A planning condition is necessary in respect of a method statement to secure precise details of the specialist foundations to be used and the measures to be taken during the construction of the western extension so that protected trees are protected and/or retained.

Conclusion

14. The proposed development would accord with the Development Plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
15. For the reasons given above I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19-038-1 Rev B; 19-098-7; 19-098-2 Rev A; and 19-098-3 Rev B.
- 3) No development shall take place until a strategy for the foul and surface water drainage of the development, including any necessary attenuation measures and maintenance management proposals is approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The surface water rate of discharge shall be restricted to a maximum 3.0 l/s. The MicroDrainage mdx file, if available, should be submitted to aid the checking of design calculations. The drainage scheme shall be completed in accordance with the approved strategy.
- 4) No site clearance, preparatory work or development shall take place until a Method Statement for the construction of specialised foundations of the extension to the western side of the building to retain and limit damage to tree roots and the rooting environment and measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be implemented during construction.
- 5) The materials to be used on the external surfaces of the extensions hereby permitted shall match those of the existing building in type, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

END OF SCHEDULE