



Appeal Decision

Site visit made on 8 February 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/B3030/W/21/3279930

Land to rear of 244 Beacon Hill Road, Newark on Trent NG24 2JP

- 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 244 Beacon Hill Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref 21/01023/RMA, dated 28 April 2021, was refused by notice dated 3 June 2021.
 - The development proposed is Reserved Matters Submission pursuant to Outline Planning Permission 20/00459/OUT for 4no. town houses with associated garages and new access from Hutchinson Road.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The proposal was granted outline planning permission with All Matters Reserved via planning application 20/00459/OUT in June 2020. The application subject to this appeal was refused due to an inappropriate housing mix and the impact of the development on trees on site under a Tree Preservation Order (TPO)

Reasons

Housing Mix

3. The appeal site is the southern end of the garden for No. 244 Beacon Hill Road, and meets Hutchinson Road at the rear, where it is proposed the access would be taken from.
4. There is a large amount of vegetation present on site, although some of this appeared to have been cleared at the time of my site visit. A number of trees are protected by a Tree Preservation Order (TPO). One plot appeared to have been completed to base level at the time of my site visit. There is boundary fencing to the eastern and western boundaries.
5. Core Policy 3 of the Amended Core Strategy (2019) (The ACS) sets out the Council's position on Housing Mix, Type and Density. The most up-to-date Housing Needs Survey appears to have been carried out in 2020 and influences that policy.
6. The appeal site falls into the Newark Sub-area which identifies the greatest need for 3-bedroom housing, followed in turn by 4-bedroom units then 1-2 bedroom units.

7. I note the comments of the appellant questioning the weight to be apportioned to the Housing Needs Survey, but I find the interpretation of the Survey to be correct, and indeed, as a piece of evidence, has no requirement to be put out for public consultation.
8. I also agree with the Council in relation to “fixing” the mix at Outline stage. All matters were Reserved at Outline stage, and I note the comments of the Officer at Outline stage that stated an appropriate mix could be put forward at Reserved Matters stage that would satisfy local housing need.
9. Paragraph 023 of the National Planning Practice Guidance references the “size and mass of individual buildings...and the scale of their parts” and as such the size of the proposed dwellings in relation to the housing mix is an issue of scale, which in this instance is a Reserved Matter, not dealt with at outline stage.
10. Given the size of the dwellings proposed, I find that the housing mix would not provide any dwellings of the required size that is the primary finding of the Housing Needs Survey, and as a result would conflict with the thrust behind Core Policy 3 of the ACS.

Effect on Trees

11. The trees have an amenity value as a group, and they form an attractive landscape feature of the settlement given the recent approvals for development within the area. The maturity of the trees contribute towards this amenity value.
12. The appeal is supported by an Arboricultural Statement (AS) which explains how the layout has been influenced by the trees as a whole and the measures that have been incorporated into the layout.
13. The AS also identifies that the proximity of the proposed plot 4 to the tree and the RPA and proposes works that would allow the tree to co-exist with the dwelling, which the AS claims is unlikely to result in significant long-term harm to the tree. The proximity of the crown of this tree with the dwelling would result in a requirement for continuous maintenance and cutting of the tree, which could result in pressure to remove it, especially as it is to the eastern side of the property, and would affect morning sunlight
14. The AS suggests that sufficient daylight would be afforded to the house and garden year-round and therefore, that there would be no future pressure to remove additional trees. However, to maintain this relationship, there would be a need for constant maintenance to the retained trees by way of cutting back and removal of leaf litter, which could result in future pressure to remove as a more convenient alternative. Although the tree would provide a sense of privacy to Plot 4, the house and garden would nonetheless have a strong and overbearing sense of enclosure, which could also add to future pressure to remove trees. Whilst the AS theoretically acknowledges the group value of the protected trees, it does not take sufficient steps to preserve or mitigate the loss of this group value.
15. There is no evidence before me to suggest that the longevity of the trees, which contribute to the amenity value, would be compromised were it not for the proposed development.

16. For these reasons, the proposal would have an adverse effect on the character and appearance of the trees, with specific focus on the area surrounding plot 4, and is therefore contrary to Core Policy 12 of the ACS and policies DM5 and DM7 of the Allocations and Development Management DPD (2013) which, amongst other matters, expect development to take into account the need for protection of the district ecological assets and ensure that development does not suffer from an unacceptable reduction in amenity
17. As stated above, future occupiers would need to undertake continuous maintenance to retain the standard of living conditions in respect of shadow and leaf litter within the garden space for Plot 4 in particular, which would erode the quality of life of those occupiers and the quality of the outdoor space and the proximity to the dwelling would restrict the amount of useable amenity space for the residents.

Conclusion

18. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR