



Appeal Decision

Site visit made on 18 May 2022

by D J Barnes MBA BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2022

Appeal Ref: APP/W0530/22/D/3294798

11 The Lawns, Melbourn SG8 6BA

- 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 Mrs Suzie Welch against the decision of South Cambridgeshire District Council.
 - The application Ref 21/05121/HFUL, dated 16 November 2021, was refused by notice dated 22 February 2022.
 - The development proposed is the erection a rear ground floor extension and associated landscaping works.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal property is a detached dwelling located within a primarily residential area. Within the property's rear garden and sited close to the dwelling is a mature tree (No. T001). There are also trees sited on the shared boundary with neighbouring dwellings fronting Greenbank (Nos. T002 and T003). These trees have been assessed by the appellant's Arboriculturist to be of Category B quality and there is no contrary evidence from the Council on this matter. These 3 trees are included in a Tree Preservation Order (TPO) which covers an extensive group of mature trees primarily located in rear amenity spaces and at a road junction. This group of trees appear to be of a similar age and quality.
4. All the trees make a positive contribution to the spacious and verdant character and appearance of the surrounding area. There are views of the trees, including those within the property's rear garden, from the roads both through the gaps between dwellings and where they project above the roofs of the dwellings.
5. The proposed development includes the erection of a modest sized single storey rear extension. The proposed extension would be sited closer to tree No. T001 than the existing property. This tree has been the subject of authorised works to reduce its crown (Ref S/2722/18/TP) which were undertaken to allow more day and sun light into the property's garden.

6. By reason of siting, the appeal scheme would encroach into the root protection area (RPA) of tree No. T001 and its crown would need to be lifted to enable the extension to be erected. The degree of encroachment of the proposed extension into the RPA is about 2.8% of the calculated area which is not significant when assessed against the context of the remainder of the RPA. The RPA is principally within the rear gardens of 11 and 13 The Lawns. Subject to appropriate arboricultural working methods being secured by condition, the erection of the appeal scheme would not cause significant harm nor damage to this protected tree.
7. Based upon the site visit, it was evident that tree No. T001 does affect levels of daylight reaching the garden and, to a more limited extent, a rear window of the property serving an office. The proposed extension would incorporate a corner window and glazed roof that would be the principal light sources for the kitchen. Although the extension would be sited closer to the tree than the host property, and allowing for the initial proposal to lift its crown, the expanse of glazing would ensure that sufficient daylight and sunlight would reach the proposed kitchen, at least in the short term
8. However, being Category B, the tree still has the potential to grow and in the future is likely to reduce daylight levels reaching the proposed kitchen. Further, the tree will shed its leaves each year and some of these leaves would inevitably fall onto the proposed glass roof. For these reasons, the Council's concerns about the proposed development increasing the potential for further lopping works to the tree or pressures to fell the tree are well founded.
9. Accordingly, I cannot be certain that the proposed development could be erected without detriment to the protected tree at a future date. Such detriment would have the potential to diminish the positive contribution made by the tree T001 to the visual amenity, character and appearance of the surrounding area. For these reasons, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with Policy HQ/1 of the South Cambridgeshire Local Plan 2018 which, among other matters, requires proposals to seek to conserve or enhance important natural assets or and their settings.

D J Barnes

INSPECTOR