
Appeal Decision

Site visit made on 24 January 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/U4610/D/22/3305396

21 Nutbrook Avenue, Coventry CV4 9LE

- 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 Julie Cooper against the decision of Coventry City Council.
 - The application Ref HH/2022/0871, dated 5 April 2022, was refused by notice dated 28 July 2022.
 - The development proposed is erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the existing trees within the adjacent Ancient Woodland (Pig Wood).

Reasons

3. The appeal property is a detached bungalow with a side garage conversion and a single storey extension at the rear within a mature well established residential area. It is situated on a relatively spacious plot immediately adjacent to an Ancient Woodland (Pig Wood) to the rear of the site.
4. The proposal would entail the construction of a single storey extension with a flat roof that would project out about 8m from the rear of the property. It would extend about 4m across the width of the property along the eastern side boundary of the site.
5. The proposed single storey rear extension would be situated in close proximity to an Oak and Crack Willow Trees within the Ancient Woodland to the rear of the site. From my observation during my site visit, these established trees make a significant contribution to the visual amenity of the area.
6. The appellant's appeal statement and submitted tree protection plan (drawing no. 9388-04A) indicate that the proposed extension would be positioned outside the tree protection area of the Oak and Crack Willow trees immediately adjacent to the site and would comply with the Council's guidance for the protection of tree root systems. I note the appellant's comments regarding the careful consideration given to the alternative options for the design and layout of the proposed extension and the willingness to provide foundations in order to minimise any impacts on the trees and adjacent Ancient Woodland.

7. However, the Council recommends a buffer of at least 15m from the woodland boundary to any built development in order to protect the high biodiversity value of the Ancient Woodland. Whilst the Council recognise that the existing built development on the appeal site falls within 13.5m from the woodland boundary, the extension as proposed would result in the built form of the main dwellinghouse being located just over 5m from the boundary of the ancient woodland. In this respect, I am mindful of the objections received from the Council's Tree Officer on the grounds that the proposed extension would fall within the recommended 15m buffer of the adjacent Ancient Woodland.
8. Consequently, in the absence of any convincing evidence to the contrary, given the high biodiversity value and the importance of the adjacent Ancient Woodland to the visual amenity of the area, I conclude that the proposal has failed to adequately address the potential impact on the trees and adjacent Ancient Woodland. It would be contrary to the overall aims of Policies GE3 and GE4 of the Coventry Local Plan 2016 that seek, amongst other things, to ensure that development proposals protect and enhance Ancient Woodlands, avoid negative impacts on existing biodiversity and ensure there no unacceptable loss of, or damage to existing trees or woodland during or as a result of development.

Other Matters

9. I have considered the appellant's comments regarding the family's personal circumstances and the benefits to the family arising from the proposed additional accommodation for the appellant's daughter and carers. I have considerable sympathy for the appellant's circumstances. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended. As such these are matters to which I can attach only moderate weight in making this decision.
10. I have considered the various benefits put forward by the appellant that the proposal would bring, including the scheme's high quality design and providing additional accommodation to meet the needs of the appellant's family. While I have given them some weight, these modest benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR