



Appeal Decision

Site visit made on 22 February 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/D2510/W/22/3306093

62 Horncastle Road, Woodhall Spa, Lincolnshire, LN10 6UZ

- 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 C Matson against the decision of East Lindsey District Council.
 - The application Ref S/141/00386/22, dated 1 March 2022, was refused by notice dated 29 April 2022.
 - The development proposed is described as: 'erection of a detached bungalow with a detached double garage and provision of vehicular access to serve No. 62 Horncastle Road'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on trees.

Reasons

Character and Appearance

3. Horncastle Road in the vicinity of the appeal site is a wide thoroughfare comprising of large, detached houses within extensive plots. Dwellings are consistently set back considerable distances from front boundaries, which in turn are set back behind a substantial verge. Dwellings to both sides of the road are arranged in a linear fashion and tandem development is rare. Plots are wide and the long driveways are well spaced. Mature trees and shrubs are prevalent within the extensive front gardens. Together, these characteristics contribute to a highly verdant and spacious streetscene that contributes significantly to the character and appearance of the area.
4. The appeal site is 62 Horncastle Road, a large detached dwelling set back in line with neighbouring dwellings within expansive grounds containing a number of mature trees, some of which are protected by a Tree Preservation Order (TPO). The appeal site thus reinforces the prevailing character referred to above.
5. Horncastle Road extends for some distance through the settlements of Woodhall Spa and Roughton with a varying character along its length. In

contrast to the linear character around the appeal site, tandem development is relatively common at the eastern end of Horncastle Road close to the junction with Kirkby Lane where dwellings are positioned closer together. Tandem development is also common to the western end of Horncastle Road on the fringes of the settlement. Here plots and dwellings become smaller and narrower, and trees become much less prevalent giving a more open and less verdant character that is noticeably different to the section of Horncastle Road around the appeal site, described above.

6. It is proposed to construct a single storey dwelling in the front garden between the existing dwelling at No 62 and the road. A dwelling in this location would be much closer to the road than is typical here, at odds with the prevailing character of dwellings set back behind verdant frontages. Moreover, the built form of the dwelling along with associated driveways and parking would diminish the verdant character of the area.
7. Furthermore, the creation of a new separate access to No 62, sited close to that of No 64, would interrupt the consistent pattern of well-spaced driveways and would require the removal of trees which would adversely affect the spacious and verdant character of the area. The presence of the access would also highlight the tandem nature of the development, in conflict with the prevailing character.
8. The appellant has directed me to a number of grants of planning permission for tandem development around Horncastle Road. The majority of these¹ are located to the eastern end of Horncastle Road, which as described above, exhibits a different character to the area around the appeal site. They therefore do not represent a parallel with the appeal scheme and are representative of their setting.
9. The appellant refers to a dwelling that has been constructed forward of 68 Horncastle Road as well as further residential development to the rear of 70 Horncastle Road². On the site visit I saw that this was an isolated example of backland development that was not reflective of the prevailing character of Horncastle Road at this point, notwithstanding that it is located close to the eastern fringes of the settlement described above. However, I have not been provided with details of these approvals and therefore the situation with regard to pre-existing development, extant permissions or the policy context at the time, is not clear. This limits the weight I can give to this approval.
10. Furthermore, I would note that evidence of existing harm is rarely justification for further harm. Having regard to the above, I am satisfied that the development at 68 and 70 Horncastle Road does not set a precedent for approval of the appeal scheme in conflict with the prevailing character.
11. The other examples of grants of planning permission³ and dwellings referred to relate to the eastern fringes of the settlement. This area has a markedly different character to the area in the vicinity of the appeal site described above. The examples given therefore do not represent a parallel with the appeal proposal.

¹ Refs S/215/02590/06, S215/897/15, and S2151502/20.

² Ref S/141/00455/11.

³ Ref S/141/01812/18 – 108.

12. The appellant has also directed me to the art deco dwelling at 52 Horncastle Road. This dwelling has a unique character within this part of Horncastle Road being of a different design and set much closer to the road. In this respect it is not typical of the prevailing character. Nonetheless, due to the former width of the plot, the dwelling that has been constructed (No 52A) is not positioned to the rear of its host dwelling and instead sits alongside it in the streetscene, albeit notably set back from the frontage as is typical here. Furthermore, the separate accesses to the two dwellings lie some distance from one another avoiding fragmentation of the verge and maintaining the character of well-spaced driveways.
13. For the above reasons, I therefore conclude that the proposed development would result in significant harm to the character and appearance of the area. The proposal would therefore conflict with Policies SP3 and SP10 of the East Lindsey Local Plan Core Strategy (2018) (the LP) which together, and amongst other things, seek to provide high quality design that preserves character and appearance. There would also be conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which requires that planning decisions ensure developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character.
14. Conflict would also occur with sections C1 and I1 of the National Design Guide which sets out that new developments should respond to existing local character and identity.

Trees

15. As set out above, the appeal site contains a number of trees which contribute significantly to the verdant character of the area. Some of these are protected by Tree Preservation Orders (TPOs). The appellant has provided an Arboricultural Report with Impact Assessment⁴ (ARIA).
16. The report identifies that the removal of nine trees within the site would be required in order to site the dwelling in the proposed location. These include several that are growing in the position of the proposed footprint. These are G33, T34, T35, G36 and T37 and are small ornamental trees within the central garden area which have a relatively low value and are not prominent from outside of the site.
17. T4 and T5 would be required to be removed in order to facilitate the construction of the access. These are large trees on the site frontage and are prominent from outside of the site. They contribute to the mature wooded character of the frontage as well as the verdant character of the area and are protected by a Tree Preservation Order. Their loss would reduce the tree cover at the frontage of the site and would be harmful to the verdant character of the area.
18. T4 and T5 are in good physiological condition and the ARIA sets out that their removal would have minor negative arboricultural impact that could be mitigated by a proposed new planting scheme referred to in the section entitled 'Mitigation'. However, no detail of any mitigation has been provided and

⁴ By AWA Tree Consultants, dated November 2021.

therefore it is unclear whether a proposed planting scheme would overcome the harm arising from the loss of the trees.

19. Moreover, the ARIA also proposes the removal of T10 and T11 in order to construct the access road. However, the appellant states that T10 and T11 are now proposed to be retained and that they are shown as retained on the proposed site plan on which the Council made its decision. Nevertheless, the trees are not numbered on this drawing, and I agree with the Council that the site plan is not completely clear in this respect, particularly as the same plan includes the drawing from the ARIA showing T10 and T11 to be removed.
20. Nonetheless, even if I were to accept that T10 and T11 were to be retained, the ARIA is not clear as to how they are to be protected during the development or from the works to create the access road to the host dwelling. This encroaches considerably into their identified Root Protection Areas (RPAs). The new access road would also encroach into the RPAs of T3 and T8, whilst the parking and turning area associated with the new dwelling would be constructed within the RPA of T1. All of these trees are assessed as being in good physiological condition with reasonable life expectancies. The ARIA assesses the trees impacted upon as being of moderate amenity value. However, in my view, these trees, particularly T8, T10 and T11 contribute significantly to the verdant character of the area and the wooded appearance of the site.
21. As is noted by the ARIA, construction of hardsurfaces within the RPA can have negative impacts on tree roots. However, whilst the ARIA argues that *'the potential negative impacts of hardsurfacing can often be overcome or minimised by employing a 'no-dig' type construction methods with a porous final surface'*, there is no detail of this provided with the application or the precise location if and where such measures would be undertaken. I have considered whether such measures could be provided as part of a planning condition, however, given the lack of detail I cannot be certain that this would adequately address the issue.
22. On the evidence that is before me, I am not convinced that the proposed development could be constructed without causing harm to the trees through damage to their root systems. This could lead to their decline or loss in the future. The proposal would also result in the loss of protected trees that make a contribution to the character of the area.
23. As such, having regard to the above, I am not convinced that the proposed development could be constructed without leading to harm to the trees at the site. The proposal would also result in the loss of protected trees without mitigation. The proposed development would therefore be contrary to Policies SP10 and SP24 of the LP which, amongst other things, seek to ensure proposals for new development protect landscape character and retain existing trees and hedges in development proposals where possible. There would also be conflict with Framework paragraph 131 which recognises the important contribution of trees and sets out that existing trees should be retained wherever possible.

Other Matters

24. I accept that the appeal site is located in an accessible location. However, this is an expectation of new housing development both within the LP and the

Framework. The accessibility of the location does not justify allowing the appeal scheme which I have found would conflict with the character and appearance of the area and result in harm to trees.

25. The erection of a dwelling would help support local services and businesses both through its construction and occupation, however this would carry limited weight due to the small-scale nature of the proposal. Similarly, given its small scale, the benefits to housing supply would also be limited. In this regard I note that the Council can demonstrate a five year supply of deliverable housing sites.

Conclusion

26. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR