



Appeal Decision

Site visit made on 18 April 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/Z1510/D/22/3306425

Bridge House, 35D Stoneham Street, Coggeshall, Essex CO6 1UH

- 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 and Mrs Farmer against the decision of Braintree District Council.
 - The application Ref 22/00643/HH, dated 11 March 2022, was refused by notice dated 4 July 2022.
 - The development proposed is extension of existing detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the Council have adopted the Braintree Section 2 Local Plan 2013- 2033 and this supersedes the Local Plan Review 2005 and the Core Strategy 2011. Draft Policy LPP69 has now been renumbered as Policy LPP65, and forms part of the adopted development plan. The main parties have been given the opportunity to comment on this change and the appeal is determined having regard to the current development plan.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the effects of the removal of two protected trees.

Reasons

4. The appeal site is located at the end of a branch of Stoneham Street which extends to the west and is accessed by a narrow track. The access and the appeal site adjoin a public footpath to the south, which is set behind a belt of trees and shrubs.
5. The proposal would necessitate the removal of a Scots Pine and a Hawthorne tree between the garage and the public footpath. These trees are protected by a Tree Preservation Order (TPO)¹ which includes a number of trees and groups of trees set around this far western branch of Stoneham Street. Together, these trees have high amenity value and provide a verdant character to the public footpath. The group of trees also contributes positively to views out of the adjoining Coggeshall Conservation Area to the south, and provide a pleasant backdrop to the adjoining modern developments within it.

¹ TPO reference 66/2000

6. The Scots Pine has a high canopy above the ridge level of the garage and as a consequence it has visibility from a wide area. It is identified as a category B tree under the relevant British Standard², with a good structural condition and a life expectancy exceeding twenty years. This is an attractive tree which makes a significant positive contribution to the visual amenity of the area. Its loss would therefore cause harm to the character and appearance of the area.
7. The Hawthorne is smaller, and partially infills the lower level gap created by the high canopy of the Scots Pine. It is identified by the appellant as a category U tree, having poor physiological and structural condition, and a life expectancy of under five years. While it forms a part of the important belt of trees, given its condition, together with its height, and position relative to other trees, it has limited amenity value individually. Overall, I find its loss would not cause harm to the character or appearance of the area.
8. The appellant proposes planting to the southeastern boundary, including a replacement Scots Pine. However, there is little evidence relating to its location or its ability to contribute to amenity in the same manner as the existing, nor how long it would take to make a comparative contribution. As such, I cannot conclude that it would sufficiently outweigh or mitigate for the loss of the existing.
9. The removal of the Scots Pine tree would cause harm to the character and appearance of the area, and this harm would be long lasting. As such the proposal would conflict with Policy LPP65 of the Section 2 Local Plan, which among other things, requires trees which make a significant positive contribution to the character and appearance of an area to be retained unless there is a good arboricultural reason for their removal.

Other Matters

10. The proposal would deliver benefits private to the appellant, including the ability to park two vehicles securely within the garage and installation of a less cumbersome garage door. There would also be some public benefit through removing the visual clutter of vehicles from the road and sustainability benefits if an electric vehicle charging point were installed. However, given the scale of the proposal, these benefits would not outweigh the harm identified.
11. Given the distance of the proposal from other nearby double garages, and the difference in their appearance, the benefit of matching their scale attracts little weight. I note that the appellant has previously discussed the proposal with the Council and there is an absence of local objection. However these factors would not provide reason to alter the above judgement.

Conclusion

12. For the reasons given, there are no material considerations that are worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

C Shearing

INSPECTOR

² BS5387:2012 "Trees in relation to design, demolition and construction- recommendations"