The Planning Inspectorate

Appeal Decision

Site visit made on 16 May 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21 June 2023.

Appeal Ref: APP/B1930/D/23/3318791
35 New House Park, St Albans, Hertfordshire AL1 1UQ

- 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 John Gibbons against the decision of the St Albans City and District Council.
- The application Ref 5/22/2544, dated 13 October 2022, was refused by notice dated 2 February 2023.
- The development proposed is the erection of a detached garage to a dwelling.

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 streetscene.

Reasons

3. The proposed development includes the erection of a single storey double width garage within the front garden of a dwelling situated within a primarily residential area. The dwellings fronting New House Park are set back from the footways to the rear of landscaped gardens which are also used for parking. By reason of the landscaping, including trees within both the front gardens and verges, the streetscene has a verdant character and appearance.

4. Within the front garden of the host property there are lime and cypress trees some of which would be removed and others lopped to enable the erection of the proposed garage. As a group, these trees make a positive contribution to the verdant character and appearance of the streetscene.

5. All the trees have been assessed by the appellant's Arboriculturist to be of Category B2 quality, including by reason of the trees' health, and there is no contrary evidence from the Council on this matter. However, it is only lime trees that are included in a group Tree Preservation Order (TPO No. 1723).

6. By reason of siting, the appeal scheme would be erected within the root protection areas (RPAs) of 2 retained lime trees (T4 and T5) subject of the TPO. The recommendation of the Arboriculturist is that low impact foundation designs will be required. Subject to appropriate arboricultural working methods being secured by condition, the erection of the appeal scheme could

be capable of being undertaken avoiding significant harm or damage being caused to the roots of these trees.

7. However, the erection of the proposed garage would require the removal of 2 cypress trees (T1 and T3) and a protected lime tree (T2) which has been heavily pollarded. Although heavily pollarded, from the site visit it was evident that the tree T2 is still growing.

8. The trees to be felled are sited close to the shared boundary with No. 37 and are visible in the streetscene above the adjacent garage. Although not directly fronting the footway, these trees do make a positive contribution to the verdant character and appearance of the streetscene. Collectively, their loss through felling, including the protected lime tree (T2) which is showing signs of growth, would be detrimental to the positive contribution made by these trees to the visual amenity, character and appearance of the streetscene.

9. The Arboriculturist has also recommended that the crowns of the lime trees are lifted to between 2.5 and 3 metres to facilitate construction of the proposed garage (T4, T5 and other undesignated trees within the group). Being Category B, these trees have the potential to continue to grow and there is the potential for further lopping works to the trees, or pressure to fell these protected trees (T4 and T5), occurring at a future date because of their proximity to the siting of the proposed garage. Accordingly, I cannot be certain that the proposed development could be erected without detriment to these protected trees at a future date and this would be detrimental to the amenity, character and appearance of the streetscene. This lack of information adds to the already identified unacceptable harm caused by the felling of the 3 trees.

10. For these reasons, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with Policy 74 of the St Albans District Local Plan Review. Amongst other matters, this policy refers to the retention of healthy trees unless it can be shown that retention is incompatible with overall design quality. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR