



Appeal Decision

Site visit made on 3 April 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/W0530/W/22/3303466

38 Station Road (West), Whittlesford CB22 4NL

- 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 Phil Laidlaw against the decision of South Cambridgeshire District Council.
 - The application Ref 21/03980/FUL, dated 1 September 2021, was refused by notice dated 3 February 2022.
 - The development proposed is demolition of garage and rear extension of existing dwelling, new single storey rear extension, new loft dormer windows to front and replacement windows and doors along with the erection of a new detached dwelling and vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of garage and rear extension of existing dwelling, new single storey rear extension, new loft dormer windows to front and replacement windows and doors along with the erection of a new detached dwelling and vehicular access at 38 Station Road (West), Whittlesford CB22 4NL in accordance with the terms of the application, Ref 21/03980/FUL, dated 1 September 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The parties agree that the demolition of the rear extension of the existing dwelling, new single storey rear extension, front dormer windows and replacement windows and doors as shown on the appeal drawings are acceptable and consistent with a previously approved scheme¹. These elements of the proposal have already begun on site, for the avoidance of doubt the appeal has been determined based on the appeal drawings.
3. A provisional tree preservation order (TPO) relating to three mature trees at the appeal site² was in place at the point of the Council's determination of the application. A subsequent provisional TPO relating to a single mature tree was then issued³. The Council have confirmed that both provisional TPOs have lapsed.

Main Issue

4. The main issue is the effect of the proposal on the amenity value and noise attenuation of trees.

¹ Application Reference: 21/03196/HFUL

² TPO 0010 (2022) - 38 Station Road (West) Whittlesford CB22 4NL

³ TPO 0026 (2022) - 38 Station Road (West) Whittlesford CB22 4NL

Reasons

5. The area is predominantly residential with dwellings of varied scale, age and design set back from the highway. Mature planting within large gardens contributes to the pleasant verdant character of the area. The appeal site is a large plot adjacent to the Whittlesford Parkway train station and comprises a number of mature trees.
6. The proposed dwelling would be long and narrow and would sit among the existing mature trees. Due to the site's topography, a retaining wall running much of the length of the site, would be required adjacent to the existing dwelling. At the time of my visit, two trees, T13 and T17, and two shrubs, S1 and S2, as noted within the arboricultural impact assessment (AIA), had already been removed from site to facilitate the previously approved extension.
7. As the Root Protection Areas of two mature Category B trees T11, a Silver Birch, and T15 a Monterey Cypress, would suffer significant incursions as a result of this proposal, they would also be removed. T11 is positioned on the southern boundary, and although only minimally visible to the public, is an attractive feature of the rear garden. T15 is located towards the rear of the site on the eastern boundary. Due to its height and position it appears prominent when viewed from both Station Road and the train station.
8. The National Planning Policy Framework (the Framework) seeks to retain existing trees wherever possible however this must be balanced against the spatial strategy of the Framework and the desire to boost the housing supply. While the trees in question contribute to the overall verdant character of the area, the Council have not sought to maintain a TPO. The loss of T11 and T15 would be noticeable in the short term. However, enhanced planting as suggested within the AIA, including at least three new trees with a height of over 3 meters, would ultimately enhance the local character and landscape distinctiveness in the long term. I note that, T14, a mature ash tree of significant size and substantial life expectancy, adjacent T15 would become much more visible within and contribute more to the street scene.
9. While trees may alter the perception of noise, I have limited evidence before me to suggest that they offer a measurable level of noise attenuation or that the loss of trees adjacent the train station would affect the noise levels on the appeal site. Further, the noise assessment indicates that the appeal site is suitable for residential development and does not stipulate the retention of trees.
10. Therefore, I conclude that the proposal would not materially affect the amenity value or noise attenuation of trees and would conform with Policies NH/2 and HQ/1 of the South Cambridgeshire Local Plan (September 2018) (SCLP) which together require that development enhances the local character and distinctiveness of the local landscape. Similarly, there is no conflict with the Framework which seeks to ensure development is sympathetic to local character and landscape setting.

Other Matters

11. Due to the large plot size the proposal would not appear crowded, and the development density would reflect the surrounding area. Further, the amount of traffic generated by a single dwelling would be minimal and off-street parking would be provided to serve the needs of the proposed development.

Conditions

12. The National Planning Policy Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording.
13. Aside from the statutory condition required to set the necessary time limit for development [1], a condition is required to indicate the approved plans in the interests of good planning and to provide certainty [2]. The appellant has provided their written agreement to the pre-commencement condition which is necessary to ensure the development is adequately drained and that sustainable drainage measures are fully incorporated into the proposal [3].
14. I am satisfied that a condition requiring an energy statement, to ensure energy efficiency and the reduction of carbon emissions is justified by Policy CC/3 of the SCLP. However, I have amended the wording to reflect the specific policy requirements and as there is no evidence to indicate that future grid capacity issues may arise, this element of the draft condition will be omitted [4].
15. A condition is required to ensure compliance with best practice arboriculture recommendations made within the AIA and to minimise the effect of the proposal on the health of the retained trees [5]. The proposed landscaping condition will be amended and combined with the conditions relating to replacement trees and biodiversity to ensure that the site adequately assimilates into the area and appropriate ecological enhancements are made [6]. A maintenance and management plan is not necessary for a proposal of this scale which will be a private domestic garden.
16. Several conditions have been suggested in the interests of highway safety but are not necessary as the information requested will be provided within the landscaping and drainage schemes. That said a condition is required to ensure sufficient pedestrian visibility splays are maintained throughout the development's lifetime [7] and secure bicycle storage is required to promote sustainable transport [8].
17. Policy TI/10 expects new development to contribute towards the provision of suitable infrastructure to enable the delivery of high-speed broadband services. I am satisfied that a condition requiring adequate infrastructure is reasonable and necessary [9]. Local Plan Policy CC/4 requires higher water efficiency standards in residential development than the national Building Regulations in response to the challenging local circumstances on water supply in the area, therefore a condition on water efficiency is necessary and reasonable [10].
18. To limit the adverse effects of construction, the Council have suggested several conditions which would restrict working hours and would require additional logistics and mitigation information to be provided. However, as the appeal site

is located between a busy train station and the appellants property, nor has it been indicated that piles would be required, the disruption caused by the construction of the proposal would be minimal and would not justify further conditions. Further, as the appeal site is in close proximity to main road networks, and I have no substantive evidence before me to suggest existing pressure on the highways, a traffic management plan is not necessary.

Conclusion

19. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

K Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

• Location Plan		Rev A
• Existing Site Plan	PL(11)01	P1
• Existing Plans and Elevations	PL(11)02	P1
• Proposed Site Plan	PL(21)01	P1
• Proposed Plans and Elevations – Plot 1	PL(21)02	P1
• Proposed Plans and Elevations – Plot 2	PL(21)03	P1
• Existing & Proposed Site Section	PL(21)04	P1
- 3) Prior to commencement of development a scheme of foul drainage, and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the dwelling hereby approved is occupied.
- 4) Prior to any development above ground level, an Energy Statement, shall be submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the dwellings as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. Prior to occupation, development shall be carried out in accordance with the approved details and thereafter maintained.
- 5) The development hereby approved, shall be carried out in accordance with the recommendations contained within the Arboricultural Impact Assessment and Method Statement prepared by A.T Coombes Associates Ltd, dated 20 March 2021 and the associated drawings.
- 6) Prior to any development above ground level, a landscaping/biodiversity scheme, including replacement trees shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) hard surfacing materials;
 - b) finished ground levels;

- c) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, sizes and proposed numbers/densities where appropriate;
- d) boundary treatments indicating the type, positions, design, and materials, including provision for gaps in fencing for hedgehogs;
- e) measures to enhance biodiversity with a minimum biodiversity net gain of 10%;
- f) an implementation programme.

Development shall be carried out in accordance with the approved details and the agreed implementation programme. Any trees or plants (existing retained or proposed) that, within a period of five years after planting (or replanting if previously failed), are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives written consent to any variation.

- 7) Prior to occupation, the 2x2m pedestrian visibility splays indicated on drawing number PL(21)01 – P1 shall be provided and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the maintained public highway.
- 8) Prior to occupation, a scheme detailing secure, covered cycle parking, shall be submitted to, and approved in writing by the local planning authority. Prior to occupation, development shall be carried out in accordance with the approved details, and thereafter be retained in perpetuity.
- 9) Prior to occupation, a scheme detailing infrastructure suitable to enable the delivery of high-speed broadband services, shall be submitted to, and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) Prior to occupation, a water efficiency specification for each dwelling, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations, shall be submitted to and approved in writing by the local planning authority. The specification shall demonstrate that each dwelling is able to achieve a design standard of water use of no more than 110 litres/person/day. Development shall be carried out in accordance with the approved details.

*****End of Conditions*****