



Appeal Decision

Site visit made on 5 January 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/P0119/W/22/3310734

1 Homestead Gardens, BRISTOL, BS16 1PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Robert Smith against the decision of South Gloucestershire Council.
 - The application Ref DOC21/00228, dated 22 July 2021, sought approval of details pursuant to condition No. 3 of a planning permission granted at appeal (Planning Inspectorate Reference APP/PO119/W/21/3282597) on 21 February 2022.
 - The application was refused by notice dated 17 June 2022.
 - The development proposed is Erection of 1no dwelling; variation of condition 4 attached to PT17/4403/F (as amended by P21/00830/NMA) to substitute drawings without complying with a condition attached to planning permission Ref PT17/4403/F, dated 15 November 2017.
 - The detail for which approval is sought is a scheme of soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission at the site for a dwelling has been subject to several amendments. This accounts for the discrepancy in date between the submission of the information to discharge the condition and the date that permission was granted at appeal.
3. The house has been built and is occupied. The gardens have been laid out and some small trees planted. The trees however do not correspond with the most recently submitted landscape plan. As such the existing planting has no bearing on my assessment of the appeal.
4. An updated version of the National Planning Policy Framework was published on 19 December 2023. Its content is largely unchanged in relation to the main issue of this appeal, so I have not sought the views of the main parties on this matter.

Main Issue

5. Whether the details submitted are sufficient to discharge the condition.

Reasons

6. The site occupies a prominent corner position alongside two residential roads, with long views towards the site from Malmaison Drive. The site once had a

verdant appearance as it contained trees of a substantial scale and other vegetation. It is now defined by a high boundary wall and the considerable scale of the new dwelling. From the west the long main roof slope and its subsidiary parts are highly prominent and somewhat at odds with the established character of dwellings nearby, which include mature planting.

7. The Council refers to the detrimental impact on visual amenity arising from the loss of trees at the site. Replacement tree planting was therefore secured by the condition subject of this appeal.
8. The submitted Soft Landscaping Plan¹ identifies the approximate location of 7 trees, that would be planted along the inside of the stone wall. Providing only an approximate location for these trees does not give sufficient clarity, and there is no reason why accurate locations could not be given, as the dwelling is built, and other aspects of the garden laid out.
9. Additionally, the species of the 7 trees are not identified and only a generalised species list is provided. There is no certainty about which trees would be planted where, or which trees from the list would be used. The appellant cites supply issues as the reason for this. However, on the basis that only 7 trees are proposed it should be possible to submit a more accurate proposal. Any subsequent supply issues could be addressed by further liaison with the Council.
10. The trees specified are mostly narrow ornamental varieties that have been deliberately grown for constrained urban environments. Some will grow to a reasonable height, but most will not develop a broad canopy, and in any case, it is not possible to have a clear idea about the visual impact of the proposed planting given the poor level of detail within the submission; of the list of potential trees provided it is possible that all 7 would be the same variety, which would be at odds with the mix of tree species in the area.
11. Furthermore, tree sizes are not provided. I accept that the phrase 'semi-mature' is not a term commonly used in the industry. It is however clear that the Council seeks to secure the planting of trees around the site frontage that are of a substantial size. Sizes are referred to in the Plan only with reference to staking requirements. Therefore, as well as the uncertainty over where the trees would be planted and what variety they would be, we also do not have clear details relating to the sizes of the proposed trees. An expectation that the location, variety, and size of the proposed trees would be clearly expressed in a landscaping plan is not an unreasonable one.
12. In summary, the submitted details do not enable the decision maker to be certain that the harmful impact arising from the loss of trees at the site and the prominent view of the new dwelling – particularly at its west end – would be satisfactorily addressed by the proposed landscaping scheme. It would not therefore accord with Policies CS1 and CS2 of the South Gloucestershire Local Plan Core Strategy 2006-2027, and Policies PSP1 and PSP2 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017. Together these Policies seek to ensure that soft landscaping proposals are designed to a high standard, contribute to tree cover in the area, and conserve local character.

¹ Soft Landscaping Plan, 1 Homestead Gardens, Bristol, BS16 1PH, Details pursuant to discharging Condition 3, Planning consent ref P20/17252/RVC dated 25th June 2021, Report dated 'Apr 2022'.

Other Matters

13. There is considerable evidence before me relating to the felled Oak, that was protected by a Tree Preservation Order. The condition subject of this appeal does not appear to have been imposed to secure a replacement of this specific tree, but rather secure a landscaping scheme for the whole site. The loss of the Oak would appear to be a separate matter that is beyond the scope of this appeal or the condition. There are other means available to the Council should it consider it necessary to enforce the planting of a replacement tree. In its report to its planning committee² the officer clarifies that the removal of the protected tree is a legal issue and is being handled separately. For these reasons the removal of the Oak and its replacement is not a matter that I need to consider further within the scope of this appeal.

Conclusion

14. For the reasons above the appeal is dismissed.

A Tucker

INSPECTOR

² Application No. P20/17252/RVC