
Appeal Decision

Site visit made on 23 May 2023

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/N4720/D/23/3316361

Craiglands, 25 The Firs, Scarcroft, Leeds LS14 3JH

- 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 S Walker against the decision of Leeds City Council.
 - The application Ref: 22/05990/FU, dated 31 August 2022, was refused by notice dated 1 December 2022.
 - The development proposed is described as: Single storey side extension; first floor extension above garage; porch extension to front; first floor window to side.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side extension; first floor extension above garage; porch extension to front; first floor window to side at Craiglands, 25 The Firs, Leeds LS14 3JH in accordance with the terms of the application, Ref: 22/05990/FU, dated 31 August 2022, subject to the following 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: 2143/100; 2143/101; 2143/102; 2143/103; 2143/104; 2143/110; 2143/111; 2143/112; 2143/113; and 2143/114.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No construction works above or below ground level on the side extension hereby permitted shall be commenced until such time as the temporary tree protection measures detailed in Section 6.4 of the JCA Limited Arboricultural Report and Arboricultural Impact Assessment 2022 have been implemented in full. Thereafter these measures shall remain in place until the development is completed.

Preliminary Matters

2. Whilst the planning application form describes the proposal as 'Single storey side extension, modification of rooms above garage and new entrance porch', the decision notice issued by the Council gives the description as 'Single storey side extension; first floor extension above garage; porch extension to front; first floor window to side'. Whilst it does not appear that this amendment to the description was agreed with the appellant, I note that the appellant has adopted the Council's description on the appeal form. From the information on the drawings which were submitted with the proposal, the Council's description

more accurately sets out the development proposed and, consequently, I have also used this description for the purposes of the appeal.

3. After the site visit had taken place, correspondence was received from the appellant stating that the tree identified as T4 in the supporting information for the application had died over the summer. This was accompanied by photographic evidence. The Council were given the opportunity to comment on this, but no further comments were received. I have taken this into account in the determination of the appeal.
4. On 19 December 2023, the Government published a revised version of the National Planning Policy Framework (the Framework). Whilst this made certain revisions to aspects of national planning policy, the provisions relevant to this appeal are unchanged and only very minor alterations have been made to the section in respect of design, none of which are fundamental to the determination of the appeal. In determining this appeal, I have had regard to the most recent version of the Framework.

Main Issue

5. The main issue in this appeal is the effect of the proposed development on nearby trees.

Reasons

6. The appeal building is a substantial two story detached house with a hipped and gabled roof, standing in a relatively large plot at the end of a cul-de-sac. Adjacent to the eastern boundary of the plot is an extensive area of mixed woodland known as Scarcroft Plantation. This is within an area identified as a Special Landscape Area. The appeal proposal comprises a single storey extension to the east elevation of the appeal building in addition to a first floor front extension over the existing garage with an associated extension and alteration to the main roof above, the erection of a single storey front porch with a pitched roof at the main entrance to the house, and the insertion of a high level window in the east elevation of the house in an existing ground floor room.
7. The Council's sole concern in respect of this proposal is the effect of the single storey side extension on trees outside of, but adjoining, the site in terms of the appearance of the area, biodiversity, and climate change and air pollution.
8. The submitted Arboricultural Report and Arboricultural Impact Assessment (the Arboricultural Assessment) indicates that the proposed extension would not encroach on the root protection area of any of the trees in the adjacent woodland. Whilst the Council asserts that the Arboricultural Assessment does not consider the effect that changes in levels and drainage routes resulting from the construction of the extension would have on the trees, it has not submitted any substantive evidence that would indicate that these purported effects would be harmful.
9. The Council Officer's report expresses particular concern in respect of the tree identified in the Arboricultural Assessment as tree T4, which is the tree closest to the extension. It goes on to suggest that the proposal does not comply with the guidance in the Council's Guideline Distances from Development to Trees document and that the information provided is deficient. This document sets out that the required information in a tree survey is the location, size, species,

condition, and root protection areas of trees on the site and on adjacent land. The submitted Arboricultural Assessment contains all of this relevant information. Whilst it does not consider water demands in detail, the Arboricultural Assessment does refer to the implications for foundation design and includes the water demand of each tree species present, as listed in NHBC Standards 2010 Chapter 4.2 'Building near trees' to assist in the foundation design. In this context, I am satisfied that the Arboricultural Assessment includes all the relevant information required by the Council's guidelines.

10. The Council's Guideline Distances from Development to Trees document sets out guideline separation distances between new buildings and trees. The trees closest to the proposed extension are predominantly Scots Pines with one Rowan tree (Tree T4). Although it is not explicitly set out in the Council's evidence, in terms of separation, the Council's Guidelines indicate that a 5 metre separation from the building is required for these species.
11. From the information in the Arboricultural Assessment, all of the trees except tree T4 meet, or exceed, this distance from the proposed ground floor side extension. As set out above, evidence has been received from the appellant that tree T4 had died. This corresponds with my observations at the site visit, at which time this tree had no leaves or buds evident, and the lower section of the tree was colonised by a climbing plant. At the time of the site visit, the other trees in the area were all in full leaf and it would be expected that had tree T4 been in good health, then it would also have been in leaf.
12. There is nothing in the evidence before me which would indicate that there is any requirement to replace, either in the same location or elsewhere, trees within the adjoining woodland which die or are otherwise lost. Based on the evidence before me and from what I saw when I visited the site, tree T4 was most likely dead at the time of my site visit. As this tree was the one that the Council's concerns principally relate to, and the development meets the Council's Guidelines in respect of the separation distance to the other nearby trees, I am satisfied that, subject to the implementation of the temporary protection measures set out in Section 6.4 of the Arboricultural Assessment, the proposed development would not directly result in the loss of any further trees.
13. I have noted the Council's concerns regarding future pressure to prune or remove the nearby trees. Nevertheless, there are no windows in the east elevation of the house, as extended, that are the principal window to a habitable room and the proposed side extension is to provide a boot room and utility room, neither of which would be a principal habitable room. Moreover, none of the trees are on land which is controlled by the appellant and the consent and cooperation of the landowner would be required for any tree works proposed. A generalised fear that an event might occur is not, of itself, sufficient reason to withhold planning permission.
14. The area in the immediate vicinity of the appeal site has a sylvan appearance with the Scarcroft Plantation forming a backdrop to the appeal building and the end of the cul-de sac, and a large number of tall, well established, trees are present on an area of open space a short distance to the west. Further trees are visible above and through gaps between the houses. Notwithstanding that tree T4 has subsequently died, given that the neighbouring trees are taller, and it formed part of an extensive group of woodland, the contribution that it would have made to the overall appearance of the area and its wooded character was

small. No other evidence has been put to me which would demonstrate that the appeal proposal would be detrimental to the Council's objectives in respect of biodiversity, climate change, or air pollution.

15. Given the above, I therefore conclude that the proposed development would not cause harm to nearby trees. It would comply with the relevant requirements of Policies G9, P10, and P12 of the Leeds Core Strategy as amended by Selective Review 2019; Saved Policies GP5, N37, and LD1 of the Leeds Unitary Development Plan Review 2006, Policies GE1 and GE2 of the Scarcroft Neighbourhood Plan 2019; Policy LAND2 of the Natural Resources and Waste Local Plan 2013; and Policy HDG1 of the Householder Design Guide Supplementary Planning Document. When read together, these policies seek to prevent harm to the character and appearance of the locality; protect the identified Special Landscape Areas and the landscape generally; protect local green infrastructure; conserve trees wherever possible, and enhance biodiversity commensurate to the scale of the development.

Other Matters

16. The Council has not raised objections to the other elements of the proposal on any grounds. From what I have read, and from what I saw when I visited the site, I have no reason to find differently. I also note that no objections were received to the proposal from local residents notified of the planning application.

Conditions

17. I have had regard to the conditions that have been suggested by the Council.
18. In order to provide certainty in respect of what has been permitted, I have included a condition which specifies the approved drawings. In order to ensure that the proposed extensions integrate properly with the appearance of the existing house, it is necessary to impose a condition requiring that the materials to be used on the external surfaces match those of the existing building.
19. Although not suggested by the Council, in order to ensure that the construction works do not cause damage to the trees adjacent to the site, it is necessary to impose a condition that requires the temporary protective measures detailed in the Arboricultural Assessment to be implemented prior to any works being undertaken on the approved side extension. As these works form part of the appellant's submissions and arguments in support of the appeal, such a condition should not be unexpected or considered unreasonable.

Conclusion

20. I have found that the proposed development would not conflict with the relevant requirements of the development plan for the area. No material considerations have been identified which would indicate that a decision on the appeal should be made other than in accordance with the development plan.
21. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR