



Appeal Decision

Site visit made on 24 October 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/P3420/W/23/3318943

The Villa, Birks Drive, Ashley Heath, Staffordshire TF9 4PX

- 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 Ms Ruth Beech against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 22/01102/FUL, dated 22 December 2022, was refused by notice dated 16 March 2023.
 - The development proposed is construction of 2 storey/2 bedroomed single family dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area, including trees protected by a Tree Preservation Order (TPO).

Reasons

4. The appeal site lies outside the village envelope, and it is therefore within the countryside in terms of the development plan. There are several trees within the site and on its boundaries which are protected by TPO No 9, 1966.
5. The appeal site is located in a residential area characterised by detached dwellings of varying scale and design in large plots. Property forms and building lines vary, with dwellings well set back from the road with deep frontages. Due to the presence of substantial tree cover in large gardens and along the roads, the area has a woodland character. Consequently, the spacious and verdant nature of the area makes a strong and positive contribution to its character.
6. The appeal site is bounded by fencing to separate it from the remainder of the garden serving The Villa, which is a detached dwelling. As a result of subdivision, the remaining plot serving The Villa would be much smaller than those in the immediate and wider area.

7. The new plot would be located at a prominent position on the corner of Birks Drive and Tower Road, with its front elevation broadly in line with that of The Villa. Due to its proposed width and depth, the plot would be considerably smaller than the prevailing plot sizes in the immediate and wider area. The proposed dwelling would have a much smaller footprint than its immediate neighbours, due to its proposed width and depth. These factors would combine such that the proposal would appear as a much higher density form of development than the immediate and surrounding area, incongruous to the spacious development pattern of the area.
8. The appellant draws my attention to other developments within the wider area, including evidence from sales particulars. The detailed circumstances that led to their construction are not before me, and each development will have its own individual site context. Consequently, I cannot be certain that they are comparable to the scheme before me, and I have determined the appeal on its own merits. However, those I saw demonstrated larger plots than that before me.
9. The Arboricultural Report (February 2023) (AR) submitted with the application states that the development requires removal of one category C (low quality) and three category U trees (poor quality), one of which is recommended to be felled for safety reasons. A further nine trees would be removed, five on the grounds of safety, and four on various grounds including poor shape or slender form. Therefore, a total of 13 trees would be removed.
10. The trees at the appeal site make a positive contribution to the woodland character of the area as a group. The removal of a substantial number of trees would result in an open appearance to the site, which would significantly detract from the woodland character of the area, at a prominent location.
11. While the appellant is willing to plant trees to replace those removed due to a dangerous state, there is no landscaping scheme before me. In any event, there would be a limited space remaining within the plot to accommodate replacement trees, and they would require time to mature. Consequently, replacement planting would not sufficiently mitigate the adverse harm to the woodland character of the area that would arise as a result of the proposal.
12. I therefore conclude that the proposed development would result in significant harm to the character and appearance of the area, including an adverse impact upon trees protected by a TPO. It conflicts with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2009; Saved Policies N12 and N13 of the Newcastle-under-Lyme Local Plan 2003; Policies LNPP1 and LNPP2 of the Loggerheads Neighbourhood Plan 2019; and the guidance set out in the Supplementary Planning Document: Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance 2010.
13. Amongst other things, these policies and guidance seek to ensure that development is well designed; respects, complements and reinforces local character, including the contribution from visually important trees; and that development is sited, designed and/or constructed to prevent tree loss or damage.
14. The proposal conflicts with paragraph 135 of the Framework, which sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective

landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Other Matters

15. The Council raises no concerns regarding the design of the dwelling or any adverse impact upon the living conditions of neighbouring occupiers, and I find no reason to consider otherwise. These are neutral factors in my assessment, carrying no weight either for or against the proposal.
16. The appellant states that the proposal is an affordable plot upon which to construct a first house for a family. Although the application form indicates that the dwelling is proposed for social, affordable or intermediate rent, there is no proposed mechanism before me to secure this, nor any compelling evidence to demonstrate an identified need for affordable housing. Therefore, this matter attracts no weight either for or against the proposal.

Planning Balance and Conclusion

17. The Council is unable to demonstrate a five-year supply of deliverable housing sites. The supply is stated to be 4.84 years, and this is not disputed by the appellant. There are no areas or assets of particular importance that provide a clear reason to refuse the proposed development.
18. In such circumstances, the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Loggerheads Neighbourhood Plan was made on 15 February 2019, and therefore the date that it became part of the development plan is less than five years. Consequently, the conditions of paragraph 14 of the updated Framework are not satisfied.
19. The policies with which the proposal conflicts are strongly consistent with the Framework, which sets out that planning policies should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). As such, I apportion significant weight to these identified policy conflicts, and to the harm that would be caused to the character and appearance of the area.
20. The proposal would support government objectives to make efficient use of land and to significantly boost the supply of homes, although one dwelling would be a small contribution. As a small site it could be delivered quickly. These benefits attract limited weight in favour of the proposal.
21. Further economic benefits would arise during the construction process, but these would be temporary. The proposal would deliver additional household expenditure into the economy, but this would be of limited scale. Such benefits would attract limited weight.
22. The appellant states that the proposed dwelling would be an eco-friendly house. Although the sustainable construction features of the proposed dwelling are not robustly demonstrated, any such features could assist in tackling

climate change. Any advantages in these respects would be of very limited weight.

23. Drawing together all of the above, it is clear that the limited benefits of the proposal would not outweigh the harm that I have found, when assessed against the policies in the Framework taken as a whole.

24. The proposal conflicts with the development plan when read as a whole. There are no other material considerations, including the Framework, which would indicate a decision other than in accordance with the development plan.

25. Therefore, for the reasons given above, the appeal is dismissed.

J Moore

INSPECTOR