



Appeal Decision

Site visit made on 5 January 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2024

Appeal Ref: APP/A0665/D/23/3328248

183 Beach Road, Hartford, Northwich CW8 3AD

- 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 Longster against the decision of Cheshire West and Chester Council.
 - The application 22/03866/FUL, dated 13 October 2022, was refused by notice dated 21 June 2023.
 - The development proposed is proposed rear and side extension, and a replacement porch.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice as it reflects the amendment to the proposal made during determination of the planning application, namely the removal of the proposed outbuilding.

Main Issue

3. The main issue in this case is the effect of the proposed extension on the character and appearance of the locality, with regards trees.

Reasons

4. No.183 Beach Road is a two-storey 1930s semi-detached dwelling located to the south side of Beach Road. On the boundary with its non-attached neighbour, at No.185 Beach Road, are 3no. trees subject to a Tree Preservation Order. These comprise an Alder assessed as Category C (of low quality), located closest to the road, and two Oak assessed as Category B1/2 (so of moderate arboricultural and landscape quality).
5. Beach Road is open to the north side with a mature belt of trees along the back edge of the pavement. To the south side, dwellings front the road and whilst front gardens are mature and verdant there are no substantial trees, save those on the appeal site. All three trees (but particularly the Alder) are visible travelling in either direction on Beach Road and I observed that they make a positive contribution to the character and appearance of the streetscene.

6. The proposed side extension would be set well back from the front elevation of No.183, projecting around 2.5m from its existing flank elevation. It would extend within the Root Protection Area (RPA) of the 2no. Oak, but outside the RPA of the Alder. The planning application was supported by an Arboricultural Impact Assessment which confirms that the impacts of development within the RPAs could be managed and the detail of a construction method statement controlled by condition.
7. However, the proposed extension would also project close to the existing canopy spread of one of the Oak, and in its south west corner would encroach marginally into the spread of the other. I observed on my site visit that these trees have previously been managed with epicormic growth and lateral branches of the trees removed from lower levels, such that the canopies of the trees are largely above the eaves of the existing dwelling. The reason given for this management was to 'clear branches from roof' so, whilst I do not dispute that the appellant enjoys the positive contribution the trees make, there is clearly already a pressure on them.
8. Given the proximity and the expected lifespan of these two trees (assessed as 20+ years), the canopy would, over time, extend over the roof of the extended dwelling. I find this would result in significant pressure for further management of these trees, or indeed for these trees to be removed, to avoid potential damage to the property in the event of falling branches. Such further management, or loss, would be difficult to resist on safety grounds, notwithstanding the Tree Preservation Order, and would consequently cause harm to the character and appearance of the streetscene.
9. I do not find that similar pressure would result as a result of shading or leaf litter as this would mainly effect the driveway and an area between the extended dwelling and the detached garage. The principal outlook from the dwelling would be from the extended dining/living space which would be south facing overlooking the rear garden; neither of which would be under the canopy of the two Oak.
10. For the reason given, on the main issue I conclude that the proposed extension would cause harm to the character and appearance of the locality, with regard pressure to manage or remove existing trees. It would therefore conflict with Policy DM45 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies because it fails to conserve and successfully integrate significant healthy trees into the development scheme.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR