



Appeal Decision

Site visit made on 10 April 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2024

Appeal Ref: APP/L3245/D/23/3330781

Windy Ridge, Beamish Lane, Albrighton, Shropshire, WV7 3JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Simon Alderson against the decision of Shropshire Council.
 - The application Ref is 23/02181/FUL.
 - The development proposed is the construction of retaining wall to rear of garden bordering High House Lane, Albrighton.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is accompanied by additional information including an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP). This detail was not before the Council when the planning application was determined. However, it does not fundamentally change the scheme that was considered and consulted upon by the Council. In considering this information as part of the appeal, I do not consider that this would cause procedural unfairness to interested parties.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area with particular regard to existing trees and hedgerows.

Reasons

4. The appeal site is occupied by a detached property and comprises a spacious plot which sits within a row of dwellings. The proposed retaining wall would be located along the rear boundary of the appeal site which backs onto High House Lane. There are several mature trees located in this area of the garden which are attractive specimens, substantial in size and prominent within their setting. Despite the recent clearance of roadside vegetation along High House Lane, the trees within the appeal site together with the abundance of mature trees and dense vegetation remaining along this section of the lane, make a positive contribution to the verdant, semi-rural character and appearance of the area.
5. The submitted plan identifies that the proposed retaining wall would be located within the Root Protection Areas (RPAs) of several trees and adjacent to a well-established, dense hedgerow. To minimise root disruption, the AMS sets out general methods including excavations by hand and consultation before

severing roots within the RPAs. Protective fencing would also be erected during the construction phase.

6. However, in the absence of a clear, site-specific construction methodology and investigation which take account of the respective ground levels and steeply sloping bank, I cannot be certain that the above measures would be sufficient to prevent damage to the roots of the trees and hedgerows which are intended to be retained. Whilst I have considered the possibility of imposing a condition to ensure that the development is constructed in a way to safeguard the existing landscaping and the contribution that it makes to local character, given the uncertainty, I cannot be confident that a condition would safeguard the well-being and integrity of the trees or hedgerow. A condition therefore would not make the development acceptable.
7. Whilst it may be the case that subsequent dialogue between the appellant and the Council has resolved the matter in dispute, the evidence before me nevertheless fails to demonstrate that there would be no adverse effects on the existing trees and hedgerow. These landscape features make a positive contribution to the verdant, semi-rural character and appearance of the area and their loss or diminution would be harmful to this local distinctiveness.
8. Accordingly, I find that the proposal would harm the character and appearance of the area contrary to Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011. Collectively, and amongst other aspects, these policies seek to ensure that proposals contribute to local distinctiveness and protect and enhance the high quality and local character of the natural and built environment. It would also be inconsistent with the design objectives of the National Planning Policy Framework (the Framework).

Conclusion

9. The appeal proposal would conflict with the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

H Wilkinson

INSPECTOR