



Appeal Decision

Site visit made on 23 April 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/J0540/W/23/3327287

5 Sheridan Road, Peterborough PE1 3LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs David & Charlotte Clark against the decision of Peterborough City Council.
 - The application Ref is 22/01542/OUT.
 - The development proposed is described as construction of single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for subsequent approval. I have proceeded on this basis and treated any plans in relation to the reserved matters as illustrative.
3. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. The application was refused for three reasons. One reason related to flood risk and sequential test. In its statement the Council note the additional information supplied regarding the sequential and exceptions test, that sets out why development could not have been carried out on alternative sites. Furthermore, given that suitable flood mitigation could be secured the Council concludes that the site passes the sequential test. Therefore, my decision is based on the outstanding issues in the two remaining reasons for refusal.

Main Issues

5. The main issues are:
 - i) the effect of the proposed development upon character and appearance with particular regard to the impact on trees; and
 - ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance - trees

6. Concern has been raised with regard to the potential impacts to the Lombardy Poplars, situated on neighbouring land to the north-east boundary of the site, which are within close quarters of the appeal site. The five mature trees are formally protected by a Tree Preservation Order (TPO). Due to their height, they are highly visible from Sheridan Road and neighbouring streets and contribute to the character of the area.
7. The appellant's Arboricultural Implications Assessment (AIA)¹ recognises that these trees have the potential to offer a further 20 to 40 years contribution, with good screening and wildlife habitat potential, and are of benefit to the local landscape. Whilst the layout is a reserved matter, three alternative site layout proposals have been considered for their impact upon the surrounding trees within the AIA. Layout option 1 would require the use of specialist construction methods for both the driveway parking space and foundations of the dwelling, whilst options 2 and 3 would require specialist construction methods over the driveway parking area.
8. The AIA goes on to state that *"the aspect of the new proposed dwelling to any of the three layout options is such that the mature Poplar trees are likely to shade the garden over the early part of each day, leaf litter and tree debris will continue to fall over the garden and new driveway and parking areas"*. As the trees appear to be in good health with a long-life expectancy it is likely that, in time, there would be repeated applications from future occupiers, for the trees to be severely reduced or felled, due to concerns including overshadowing, falling branches or the tree failing, which could damage the trees shape or result in their loss. Moreover, as repeated pruning would be likely to harmfully diminish their health, it would be likely to lead to the premature loss of the trees, to the detriment of their contribution to visual amenity. Whilst the trees are subject to a TPO, because the occupier's concerns could relate to their living conditions, the Council would find such applications hard to resist if the proposal were to be permitted.
9. I acknowledge that the proposal is in outline and that detailed siting and design would be a reserved matter. However, uncertainty regarding construction techniques and subsequent maintenance requirements casts doubt on the degree of tree retention possible.
10. Concluding on this matter, I consider that the proposal would harm character and appearance, with particular regard to the impact on trees. Accordingly, I find conflict with Policy LP16 of the Peterborough Local Plan 2019 (LP) insofar as it would not respond appropriately to existing natural features that contribute positively to local character and distinctiveness. I also find conflict with Policy LP29 of the LP which seeks to avoid the loss or deterioration of a tree protected by a TPO. Similarly, I find conflict with the Framework which recognises that trees make an important contribution to the character and quality of urban environments and that existing trees should be retained wherever possible.

¹ Arboricultural Implications Assessment for proposed new development at 5, Sheridan Road, Peterborough
- Update March 2023

Character and appearance

11. The appeal site lies within an established residential area characterised by detached properties which, in most cases, are positioned close to the back edge of the road frontage, within large plots.
12. I have taken into account the undeveloped back gardens of Nos 5, 9, 11 and 13 Sheridan Road and the sizeable rear gardens of dwellings along Fulbridge Road. However, I observed a variety in the plot form of dwellings nearby, including the presence of dwellings set back from the highway and the varied garden depths on Sheridan Road and neighbouring streets. In the context of the surrounding pattern of development the proposal would not appear incongruous, or incompatible with that pattern. Furthermore, the proposed dwelling would not be easily visible within the streetscene given its setback, largely obscured by the presence of existing built development and landscaping. Given all these factors, the impact of the proposal on the surrounding area, which contains a range of houses in terms of age and form, would not be adverse.
13. I therefore conclude that the proposal would not harm the character and appearance of the area and would comply with Policy LP16 of the LP insofar as respecting the context of the site and surrounding area and responding appropriately to local patterns of development. It would also comply with the Framework which seeks to ensure that development is sympathetic to local character.

Other Matters

14. My attention has been drawn to a number of planning approvals for backland development in the locality, including those at Fulbridge Road, Crown Street, Tennyson Road and Scotney Street. However, the full details of those cases, including their design and context, are not before me. I am therefore unable to assess any direct comparability to the current appeal proposal. In any case, from the limited evidence before me many of the proposals relate to a different description of development and do not appear to involve protected trees, as is relevant here.
15. The correspondence regarding Lombardy Poplars from Welwyn Hatfield Borough Council is noted. However, I afford this limited weight, as it does not relate to the appeal scheme before me or to a similar set of circumstances.
16. The proposal would make a positive contribution to housing land supply. Whilst the Council's ability to demonstrate a 5-year housing land supply is not disputed, the Framework is clear that the Government's objective is to boost the supply of homes, as part of which under-utilised land should be developed. There would be moderate, social and economic benefits associated with the proposal relating to construction employment and spend within the local economy once the dwelling is occupied. However, given the small scale of the proposed development the weight afforded to these benefits is limited.
17. Any concerns regarding due process during the serving of the TPO fall outside of the remit of this decision.

Conclusion

18. I have found that the proposal would result in harm to character and appearance in respect of the impact on trees which would conflict with policies of the development plan and the Framework. Although the proposal may comply with other policies, it would conflict with the development plan as a whole. There are no material considerations which indicate a decision other than in accordance with the development plan and therefore I conclude that the appeal should be dismissed.

R. Gee

INSPECTOR