



Appeal Decision

Site visit made on 27 June 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/E2001/D/24/3341306

16 Main Street, Hotham, YO43 4UF

- 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 Mr and Mrs Coote against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/03227/PLF.
 - The development proposed is the installation of two detached timber outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of two detached timber outbuildings at 16 Main Street, Hotham, YO43 4UF in accordance with the terms of the application, Ref 23/03227/PLF, subject to the conditions in the attached schedule at the end of this decision.

Reasons

2. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The main issue in this appeal is whether the proposed development would preserve or enhance the character and appearance of the Hotham Conservation Area (CA) in regard to trees.
3. The appeal site lies at the centre of this attractive village and comprises a traditional dwelling that has a large garden to the rear that can be partially seen from the main street through the village across a wide access gate to the side of the dwelling. It contains a number of mature trees, some of which are partially seen from the street. Together with the many trees in other gardens in the village, these contribute positively to the wider character of the street scene and the area.
4. The proposed timber outbuildings would be used as garden rooms and would be sited close to the southern, side boundary of the site, one approximately halfway along and the other towards the end of the garden. They would be of similar dimensions of between some 6.7m and 7m in length, some 4.5m and 5m in width and some 3m in height.
5. The appellant's updated trees report (dated December 2023) submitted during the application process showed that proposed outbuilding 2 would lie within the root protection areas of several trees including a grade A cherry tree, a grade B lime and a grade B cedar. Outbuilding 1 would lie within the root protection areas of two holly trees (both category B). I saw at my visit that the cherry is a fine, mature specimen. The lime appeared to be somewhat misshapen and

suffering from uneven growth and a very low canopy but I have noted that works to rebalance that have been approved as part of a number of other tree works approved under a previous application, ref 23/03598/TCA. The holly trees are growing close to the gable wall of an existing outbuilding where there is a small crack that may have been caused by the presence of the trees. However, alternative solutions such as engineering techniques to mitigate the damage do not appear to have been explored and that argument does not support the appellants' view that they are not worth protecting.

6. Some of those trees are seen from the street and whilst they are not particularly prominent in the street scene, they nevertheless contribute strongly to the character of the CA. Despite their age, all of the trees referred to above appear to have at least another 20 years of life on the basis of the submitted tree report and my own observations. I agree, therefore, that the Council's stance in seeking to protect the trees is valid.
7. The Council's Tree Officer objected on the grounds that insufficient information had been submitted to enable a full and correct assessment of the impact of the proposed development on the identified trees and major roots. The report proposes that two trees are removed, a birch and a cherry. As both are grade U and as noted at my visit either dead or in decline, that would be acceptable. The trees referred to earlier, with the exception of the cherry would require crown lifting for construction access or installation of the buildings and the proposed heights are specified in the photographs section of the report. Whilst most of those works have already been approved under permission ref 23/03598/TCA, the report proposes the additional removal of some lower branches to the cedar and holly trees. From what I have seen, the overall shape of those would be maintained and the proposed crown lifting of the lime would improve its overall shape. Two other trees, a sycamore and a cedar, both grade C, would also be subject to protection measures.
8. The application proposes a screw piling system of galvanised steel ground screw topped with a timber base frame to mitigate harm to the roots of the trees during construction. The appellants' appeal statement contains a method statement and it provides much of the detail sought in BS5837: 2012, 'Trees in Relation to Design, Demolition and Construction – Recommendations'. The Tree Officer considered that it would be acceptable mitigation to have an arboricultural watching brief on site for the period of time that the screw piles are implemented and on this basis I find that would make the development acceptable. It could be secured by a condition which would be necessary for the protection of the trees.
9. I have not taken into consideration the appellant's alternative suggestion of a concrete ring beam because the application was determined on the basis of the proposed screw piling system and the Council has not had the opportunity to comment on the suggested alternative.
10. I am satisfied that subject to the conditions outlined below, the proposal contains sufficient information and would not result in the undue loss of, or significant harm to, important trees. The Council has not objected in regard to any other matters and I am satisfied that all other matters are acceptable. I conclude then that the proposal would preserve the character and appearance of the Hotham CA and would not result in significant harm to that. It would accord with development plan policy ENV3 of the East Riding Local Plan which

seeks to conserve the character of Conservation Areas, and with the National Planning Policy Framework which has a similar objective.

Conditions

11. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. As referred to earlier, I have included a condition for arboricultural supervision of the proposed tree works. Conditions for the retention and replacement of retained trees and requiring work in accordance with BS British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced) are also necessary to preserve the character of the CA.

Conclusion

12. For the reasons given above, I conclude that the proposal is in accordance with the development plan and there are no material considerations that would outweigh that. The appeal should be allowed.

Sarah Colebourne

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: SB78L01A; SB78E01; SB78P01; SB79E01A; SB79P01A; SB78B02B; Tree Survey, Report and Recommendations by Ridings Forestry dated 21 December 2023; Appeal Statement dated 30/03/24 Appendix B: Standard Smart Groundscrew Method Statement.
- 3) No development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 2 has been submitted to and approved in writing by the local planning authority. This scheme shall be appropriate to the scale and duration of the works and shall include details of: induction of staff in awareness of arboricultural matters; identification of individuals and their responsibilities; statement of delegated powers; timing and methods of site visiting and record keeping, including updates; procedures for dealing with variations and incidents; the scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved in writing by the local planning authority. The scheme of supervision shall be implemented as approved.
- 4) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and documents. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 5) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with condition 2, at such time as may be specified in writing by the local planning authority. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 6) All tree work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).

End of conditions.