



Appeal Decision

Site visit made on 16 July 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2024

Appeal Ref: APP/P3420/W/24/3338568

**1 Newcastle Road, Madeley, Staffordshire, Newcastle Under Lyme
CW3 9JH**

- 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 N Hassett against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref is 23/00456/FUL.
 - The development proposed is for alterations and extension to form additional two bedroom dwelling with associated hard and soft landscaping works and alterations to existing vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although amended plans were submitted by the appellant during the planning application process, the Council did not accept these amendments. The Planning Practice Guidance is clear that the planning authority has the power to decide whether to accept alterations during the application process.
3. As the changes proposed through the amended scheme would be significant, relative to the scale of the proposal, and as I understand interested parties were not consulted on the amendments, to consider the changes here would not comply with the Wheatcroft Principles and those who should have been given the opportunity to comment would be prejudiced.
4. I have therefore considered the appeal proposal against those plans against which the Council made their determination.

Main Issues

5. The main issues are the effect of the proposal on:
 - The trees on and around the appeal site; and,
 - On character and appearance of the surrounding area.

Reasons

Trees

6. The appeal site is located at the end of a row of, primarily, semi-detached dwellings served by Newcastle Road. The site contains one dwelling with a garden to the rear that wraps around the side, providing parking to the front.

Along the side garden boundary are mature trees and hedges. The trees are located close to, and overhang, the garden. Although they also overhang a portion of the existing parking area, A low retaining wall separates them. These trees are prominent within the wider area and are visually important features in the adjoining green space and from the main junction.

7. I recognise that trees T6 and T7 are ash trees and are therefore at risk of Ash Dieback which is present within the area. However, the appellant's arboricultural report did not identify them as currently being affected. Instead, they are described as being early mature trees, in fair condition and as having over ten years of life expectancy. Both are graded as C1. Although there is still a risk of Ash Dieback, I cannot be certain that it will occur and so I attribute this matter only very limited weight in my considerations.
8. Given the relationship between the retaining wall and trees, it is likely that their root spreads have been affected. However, given the scale of the wall, I consider any affect to be modest. I note that the arboricultural report still shows the root protection areas for trees T3, T5, T6 and T7 as extending beyond the wall and coming in to contact with the proposed development. Whilst this predominantly relates to areas of hardstanding, both for parking and a path, it also includes the extension.
9. As the proposal would extend into the root protection areas of a number of trees and as the extension itself would be under the canopy spread of T7, the proposal would risk adversely affecting these trees. Although the parking to the front already exists, the proposed changes to its layout and surfacing could still result in harm. I consider these harms could ultimately result in the loss of the closest trees, namely T3, T5, T6 and T7.
10. The arboricultural report has suggested that a number of methods and techniques could be incorporated into the development to prevent any adverse impacts. This includes cellular confinement systems for the parking area and pile and beam construction for the extension. Although there is potential for these methods of construction to work, and I am mindful that they are common, no site-specific evidence has been provided. I cannot, therefore, be certain that the recommendations would be viable for this case.
11. It would not be appropriate to impose a condition for these further details, should the appeal be allowed, as it would result in permission being granted before it is established that an appropriate construction method is possible. If such an appropriate method could not be reasonably achieved this could put pressure on the removal of the condition.
12. The proposal would result in the unacceptable risk of trees being harmed and ultimately lost, insufficient information has been provided to demonstrate this would not occur. The proposal therefore conflicts with Policy N12 of the Newcastle-under-Lyme Local Plan 2011 and Policy NE1 of the Madeley Neighbourhood Development Plan (the NDP) which collectively seek for the protection of rural features and trees from harm or loss. It also conflicts with the National Planning Policy Framework (the Framework), with particular regard to Paragraph 136 which seeks to retain trees and Chapter 15 more generally.

Character and Appearance

13. The host dwelling and its attached neighbour were formerly a pair of semi-detached dwellings. The neighbouring property, No 2 Newcastle Road, has since been extended to provide a new dwelling. These properties now form a short terrace. This is not typical of this side of the road which is largely characterised by pairs of semi-detached properties. However, the sense of uniformity along the street has been eroded through alterations and extensions to a number of properties. This includes at Nos 1 and 2 where front extensions have been added, along with the side extension serving No 2a.
14. Mindful of the context of the surrounding area, I consider that the proposed extension, whilst significant, would not be an unacceptable addition to the side of the dwelling as the sense of uniformity has already been lost. Moreover, as No 2 has already been extended significantly to provide No 2a, the balance of the formerly semi-detached properties has already been lost. To this end I consider the proposal would further the existing appearance of the row as a short terrace.
15. The proposal would not unacceptably harm the character and appearance of the surrounding area as a result of increasing the width of the host property. It would therefore comply with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026 and NDP Policy DES1. These policies collectively require developments are well designed and respect or complement the character, identity, context and layout of their surroundings. The proposal would also comply with Paragraph 135 of the Framework which, amongst other matters, seeks for developments to maintain a strong sense of place and be sympathetic to the built environment.

Conclusion

16. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling in a location with adequate access to services. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract modest weight.
17. Whilst the proposal may not result in any character and appearance harm, this lack of harm is not a benefit in itself. I therefore attach this neutral weight in my consideration.
18. Conversely, the proposal would result in an unacceptable risk of harm to otherwise healthy trees adjacent to the site, in conflict with the development plan taken as a whole. This attracts moderate weight and outweighs the benefits associated with the proposed development.
19. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR