



Appeal Decision

Site visit made on 25 October 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2024

Appeal Ref: APP/H0724/D/24/3350443

6 Coniscliffe Road, Hartlepool TS26 0BS

- 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 Philip Skinner against the decision of Hartlepool Borough Council.
 - The application Ref is H/2024/0121.
 - The development proposed is a detached garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area including any effect upon trees.

Reasons

3. At one end of Coniscliffe Road there is a primary school, and next to this a new residential estate is being built. However, generally, Coniscliffe Road is characterised by large and well-established residential properties set within spacious plots. Many of these residential properties have front gardens containing mature trees and hedgerows. This provides the street scene with a verdant character which contributes positively to the area.
4. The host property, 6 Coniscliffe Road (No 6), is a large residential property. Its front boundary comprises of a high brick wall with piers on either side of a set of access gates. The property's front garden also contains a number of trees. This includes a mature whitebeam, a couple of semi-mature conifers and a young cherry tree all of which are located close to where the garage and associated parking area beside it are proposed. Given this character, No 6 is very reflective of the types of properties which typify Coniscliffe Road. Furthermore, even though the aforementioned whitebeam, conifers and cherry tree may not be high quality examples of their species, they nevertheless contribute positively to the leafy character of the host property and that which prevails more generally in the site's surroundings.
5. Within the adjacent property's plot, identified on the plans as Stone Grange, and near to the common boundary with No 6 are further trees. This includes a mature beech which the evidence before me indicates to me is protected by virtue of a tree preservation order¹ (TPO).

¹ Tree Preservation Order No 95

6. Elsewhere within Coniscliffe Road there are several garages and outbuildings within front gardens. They are positioned at different distances from the highway, but some are close-by to it such as those at Nos 24 and 27.
7. The proposed development would encroach upon the root protection areas (RPAs) of the whitebeam and the two conifers within No 6's front garden as well as the beech tree protected by the TPO. The evidence before me indicates that the encroachment into the RPA of the whitebeam would be the most extensive, well in excess of 20%. The encroachment into the RPAs of the other trees would be less significant. There is some inconsistency in the figures presented to me in relation to the RPA encroachment of the protected beech tree, but the higher figure is over 8% encroachment. Some digging, in preparation for constructing the proposal, has already taken place including within RPAs. Although it is submitted to me that this work was undertaken by hand, and root pruning or severance did not take place, the evidence that this is the case is not conclusive. Therefore, there is some potential that the works which have already taken place have caused some harm to the trees' health.
8. The Council has set out its particular concerns with the raft foundation proposed, citing that such a solution could result in harmful effects upon the availability of water, nutrients and oxygen reaching tree roots. The compaction of tree roots is also cited as being a likely outcome. As a result, the Council has submitted that a more specialised approach to the proposal's foundations should be deployed, one which would be more likely to preserve the health and longevity of the nearby trees. Furthermore, the Council have also expressed concerns with the adequacy of the proposed geocell ground grid system. This includes the concern that it is not extensive enough given the RPAs involved.
9. Given the proximity of the proposed development to trees, and the RPA encroachment involved, particular care must be taken with the design and implementation of the proposal's foundations and hard surfacing. If not, harm to the health and longevity of the trees would be a likely outcome.
10. The submitted Tree Survey and Arboricultural Impact Assessment includes very limited detail on why the raft foundation, rather than a more specialised approach advocated by the Council, would be appropriate in this case. Furthermore, no detailed civil engineer's report is before me to provide any further justification. The plans indicate that the geocell ground grid system would be limited to only a part of the proposed gravel drive and that there would be other areas of the drive within the whitebeam's RPA, including areas over which vehicles would travel, which would not be served by the geocell system.
11. Altogether, I find that the evidence which has been submitted to demonstrate that the design of the proposal, and more specifically the raft foundation and geocell ground grid system, would be sufficient to prevent the types of harmful effects upon nearby trees cited by the Council is unconvincing. There could be cumulative effects if harm has already taken place as a result of the preparatory works.
12. Consequently, I do not have confidence that the proposal has taken sufficient steps to mitigate its effects upon nearby trees and, as a result, I find it likely that the proposal would cause harm to them. Should this harm come into fruition, the future of the trees would be likely to be compromised and the positive contribution that they currently make has clear potential to be lost. This would be detrimental to the character and appearance of the area.

13. The appellant has emphasised to me the parking restrictions in place on Coniscliffe Road, the need for secure parking given local crime rates and the vehicles kept at the property, and the benefits of a turning space for manoeuvring. However, the evidence before me that the subsisting parking arrangements are unsafe or insecure is not substantive. Moreover, it has not been shown to me that alternative design solutions, which would meet the appellant's requirements and which would be less likely to result in harm to nearby trees, could not be implemented at the site.
14. The proposed garage would, appropriately, be largely constructed of brickwork which would match the existing house. Proposed to be finished in a slate grey colour, the roller shutter within the garage's front elevation would have a recessed appearance. Owing to its flat roofed design, the proposed garage would also be low-slung in appearance. As a result, the existing front wall, piers and gates would screen much of the garage so that it would not appear as an intrusive or dominant feature in the street scene. Furthermore, there are already garages and outbuildings within the front gardens of properties on Coniscliffe Road. As a result, the addition of the garage at the front of No 6 would not form an incongruous feature nor would it be unduly dominant in the street scene.
15. However, and for the reasons I have set out above, although I have identified that the proposed garage itself, sited within the property's front garden, would have an acceptable appearance, I have also identified that the proposal would be likely to harm nearby trees which would compromise their health and longevity as positive features within the street scene. As a result, and overall, the effect of the proposed development upon the character and appearance of the area would be unacceptable. Of the policies of the Hartlepool Local Plan before me, I find that the proposal conflicts with policies NE1, QP4 and HSG11 which, altogether and amongst other matters, require that development proposals do not adversely affect the character of the area, respect the environment and distinctive features and seek to protect trees of value. The proposed development also conflicts with those policies within the National Planning Policy Framework which seek to ensure development is well designed and sympathetic to local character including its landscape setting.

Other Matters

16. The proposal would not harm the living conditions of neighbouring occupiers nor result in any increases in flood risk. Furthermore, the appeal site is not within, nor would it affect, any conservation areas or the Green Belt. Even so, an absence of harm in respect of these matters is a neutral factor in my decision and does not outweigh the harm that I have identified in my main issue.

Conclusion

17. The proposed development would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR