



Appeal Decision

Site visit made on 10 December 2024

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/F2415/D/24/3349604

Tantridge, Shrewsbury Avenue, Market Harborough LE16 8BB

- 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 Jack Nethercott against the decision of Harborough District Council.
 - The application Ref is 24/00400/FUL.
 - The development proposed is erection of detached oak framed garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the application an updated and revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The relevant design and amenity policies in the revised Framework are the same as those in the previous Framework and as such I consider there would be no prejudice to any party by considering the development against the relevant policies in the revised Framework.

Main Issues

3. The main issues are the effect of the proposed development on
 - (i) the character and appearance of the area;
 - (ii) the existing trees having particular regard to the site's location to a Protected Beech Tree immediately to the south-east of the site; and
 - (iii) the living conditions of the occupiers of the neighbouring property at Squirrels to the north of the site with particular regard to light and outlook.

Reasons

Character and appearance of the area

4. The appeal property at Tantridge comprises of a large detached two storey property set back from the road within a spacious landscaped plot. The appeal site is located in a mature well-established residential cul-de-sac, characterised by detached properties of varied styles and character set back from the road within large spacious landscaped plots. This provides an open and sylvan character and appearance to the street scene, which is further

enhanced by presence of the established trees and mature landscaping along the roadside and within the surrounding gardens adjacent to the site.

5. The development comprises of a detached Oak framed garage set back from the public highway and positioned in front of the existing dwelling on the site. It would have a Weatherboard timber clad external finish with a pitched tiled slate hipped roof with a ridgeline measuring about 4.3m in height. Although the proposed garage would extend in front of the appeal property, the degree of projection would not appear excessive due to the staggered built form in this location, including the two storey property at Westland to the north of the site and the detached double garage in front of the adjacent property at Tamrarisk immediately to the south of the site.
6. Given the site's location, established trees and mature landscaping along the front of the site, the proposal would only be visible over short distances when passing the site. It would be seen within the context of the current varied architectural styles at the host property and the properties in the surrounding area. Against this backdrop, the scale, form and siting of the proposed garage would not look significantly out of place or excessive in relation to the built form of the host property and the adjacent properties.
7. The modest overall scale and form of the proposed garage together with the use of matching materials and fenestrations would ensure that the proposed garage would sit relatively unobtrusively against the built form of the main property. The proposed garage would therefore achieve an appropriate degree of subordination to the host property and as such would limit any significant adverse impacts on the street scene.
8. Consequently, I conclude that the proposed garage would not adversely harm the character and appearance of the host property and the area. It would be consistent with the overall aims of Policy GD8 of the Harborough Local Plan 2019 (LP) the Development Management Supplementary Planning Guidance 2021. This policy and guidance, amongst other things, seek to ensure that development proposals achieve a high standard of design through respecting and enhancing the local character and characteristics of the individual site, street scene and the wider local environment. The proposal would accord with the Framework that developments should seek to secure a high quality of design that are sympathetic to the local character (paragraph 135).

Trees

9. The proposed garage would be situated in close proximity to a number of established trees within and immediately adjacent to the site, some of which are protected by a Group Tree Preservation Order (TPO ref no. 28-A1(1973)) including one large Beech tree immediately to the south-east of the site. This established tree individually and as part of the adjoining group of trees, makes a significant contribution to the visual amenity and the sylvan character and appearance of the area.
10. The protected Beech Tree (T1) is identified in the appellant's submitted arboricultural impact assessment as of a high arboricultural quality (Category A1), where retention is of a high priority due to its arboricultural qualities¹. The proposed garage would be located within the Root Protection Area (RPA) of the

¹ GHA Trees 'Trees survey and Arboricultural Impact Assessment' (Ref. GHA/DS/133360:24) dated 13 May 2024

protected Beech tree. British Standard *Trees in Relation to Design, Demolition and Construction – Recommendations* (BS5837:2012) requires an assessment of the likely long term implications of the schemes for the trees, taking into account future growth, shading and compatibility with users of the site. The Standard is a significant material consideration.

11. Whilst I note the Council's concerns regarding the impact of the development on the site, based on the evidence before me, the proposed garage would be located in a relatively small area of the RPA for the protected tree². I observed during my site visit that the area within the RPA is already partly covered by an existing block paved driveway area. The proposed garage would be constructed with a minimal brick base supporting the structure. The arboricultural impact assessment sets out recommendations for the proposed development to ensure the appropriate mitigation measures are in place for the protected tree and its RPA.
12. Therefore, in my view, based on the evidence before me, given the modest scale, layout and design of the proposed garage, I consider that the proposal would result in minimal additional disturbance within the RPA and impact on the long term health and stability of the protected tree, subject to the proposed tree mitigation measures outlined in the appellant's submitted arboricultural assessment in this particular case.
13. Consequently, I conclude that the proposed development would adequately secure the protection of the important protected Beech tree (T1) which contribute to the visual amenity and the sylvan character and appearance of the area. It would be consistent with the overall aims of Policy GD8 of the LP that, amongst other things, seek to ensure that development proposals achieve a high standard of design through protecting and enhancing existing landscape features and natural assets (including trees) as an integral part of the development. The proposal would accord with the Framework that developments are sympathetic to the local character, including the surrounding landscape setting (paragraph 135).

Living conditions of the neighbouring property

14. The proposed garage would be located adjacent to the two storey property at Squirrels, which is set back at a slightly lower level to the north of the site. The rear elevation of the proposed garage would be set back at an angle from the ground floor windows and first floor windows at the front of the Squirrels. The proposed garage would be inset from and projects about 9m along the common shared boundary with the Squirrels and would be separated from the rooms and garden at the front of the Squirrels by a high brick wall and mature landscaping running between the properties.
15. Whilst the layout of the adjacent property and the boundary treatment would limit potential views and loss of light from the rooms at the front of the Squirrels, the proposed garage would result in a long single storey projection running close to and adjacent to the common shared boundary and the garden area, including a patio area, at the front of the Squirrels. The occupants of the Squirrels would use the garden area to carry out leisure and household activities when relaxing and sitting out, particularly in the summer months.

² GHA Trees 'Trees survey and Arboricultural Impact Assessment' dated 13 May 2024 Appendix A

16. Given the overall scale, siting and design of the proposed garage, separation distance between the properties, site levels and the orientation of the buildings, I consider that the proposed garage would introduce a dominant and enclosing structure in close proximity to the common shared boundary and the garden area at the front of the Squirrels. This, in my view, would result in a loss of light to the garden at the front of the Squirrels and would dominate the views to cause an overbearing effect and an unacceptable loss of outlook for the occupiers of the Squirrels. I therefore consider that the proposal would result in a poor quality living environment and an unacceptable change in the living conditions for the occupiers of the neighbouring property.
17. I have considered the appellant's arguments that the design and layout of the development has been carefully considered in order to minimise any impacts on the adjacent property and that the light at the front of the Squirrels is already impacted by the established trees at the front of the site. Be that as it may, in my view, the scale, form and siting of the development would exacerbate the loss of light and the adverse impacts on the living conditions of the occupiers of the neighbouring property in this particular case. Whilst the use of materials, fenestrations, boundary treatment and the hipped roof design on the proposed garage would reduce the impact of the proposal to some degree, these aspects do not overcome the adverse effects outlined above.
18. Consequently, I conclude that the proposed garage would result in an unacceptable impact on the living conditions of the occupiers of Squirrels with particular regard to light and outlook. It would be contrary to Policy GD8 of the LP, which, amongst other things, seeks to ensure that development proposals are well designed to minimise impact on residential amenity. In addition, it would not accord with the Framework that development should seek to create places with a high standard of amenity for the existing users (paragraph 135).

Other Matters

19. I have noted the issues raised by the appellant regarding the way in which the application was dealt by the Council. However, these are a material consideration to which I can attach only limited weight in making this decision.
20. I have considered the various benefits put forward by the appellant that the development brings including the scheme's high quality design and providing additional garaging facilities to meet the needs of the appellant. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

21. Notwithstanding my findings on the lack of significant harm to the character and appearance of the area and the protected Beech tree on the site, this is significantly outweighed by the harm I have identified to the living conditions of the occupiers of Squirrels. The development conflicts with the development plan when read as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR