



Appeal Decision

Site visit made on 3 March 2025

by **K E Down MA(Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th March 2025

Appeal Ref: APP/V0510/D/24/3351727

16 Barton Road, Ely, Cambridgeshire, CB7 4DE

- 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 A Edgoose against the decision of East Cambridgeshire District Council.
 - The application Ref is 24/00472/FUL.
 - The development proposed is demolition of single storey side/rear extension. Alterations to dwelling and building of single storey side extensions with attic trusses and room/storage over and single storey rear extension. Alterations to existing access, including installation of gates and altering the front boundary wall and removal of three trees.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of single storey side/rear extension. Alterations to dwelling and building of single storey side extensions with attic trusses and room/storage over and single storey rear extension. Alterations to existing access, including installation of gates and altering the front boundary wall and removal of three trees at 16 Barton Road, Ely, CB7 4DE in accordance with the terms of the application, Ref 24/00472/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the approved plans and where brick is specified this shall match the existing brickwork.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: ref. P-23-2355-1, -2, -3A, -4A, -5A, -6A, -7A, -8A and Arboricultural (tree constraints) plan.
 - 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees T1 and G3, shown on the approved Arboricultural (tree constraints) plan and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) and shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
 - 5) No works or development shall commence until a full specification for the replacement of T2 shown on the approved Arboricultural (tree constraints)

plan, has been submitted to and approved in writing by the local planning authority. The specification shall include the size, species, and position of the tree(s) to be planted, how it/they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area which lies within the Ely Conservation Area (CA); and secondly, the effect on trees within the site.

Reasons

3. The appeal dwelling is a modern detached house on a generous plot. The dwelling is set well back from the front boundary behind a garden that is mainly laid to lawn with a driveway and hard standings to the front and one side of the house. There is a wide, attached flat roofed double garage set well back from the front elevation. The front garden is dominated by a large Atlas Cedar. There are other smaller trees and shrubs, including a Cupressus.
4. The appeal site lies within the Ely CA which in this area is characterised by dwellings of various ages, sizes and designs, various boundary treatments adjacent to the street and by a large open space, edged by mature trees on its Barton Road facing frontages, which is used as a school sports field. The appeal dwelling itself is pleasant but not distinguished and its contribution to the character and appearance of the CA is neutral. However, the wide, front garden and large Atlas Cedar make a positive contribution to its open, green character.
5. The Council does not object to the demolition of the existing flat roofed garage or to the proposed materials. I agree these elements would be acceptable. The proposed single and 1.5 storey extensions would occupy both sides of the dwelling and the entire rear elevation. In terms of footprint they would be extensive.
6. From the front, the replacement garage with pitched roof providing attic storage and a similar narrower extension on the opposite side of the dwelling would be proportionate in width and their set-back from the front elevation, while limited, would, in combination with the much lower ridge height, ensure they appeared subservient to the host dwelling. The pitch and style of the roofs would match the roof of the existing dwelling and overall, I find that the appearance of the proposed front elevation would be acceptable.
7. To the rear, the side extension replacing the garage would continue at single storey and project some 6m beyond the rear elevation of the original dwelling. It would have a pitched roof with the same pitch as the central, two storey rear projection of the original dwelling. It would finish in an elevation dominated by a large but well-proportioned feature window. This rear extension would be matched by a similar projection off the existing rear of the dwelling. Between these and slightly set in would be a flat roofed extension with a feature roof lantern.
8. Overall, the side/rear extension would provide pleasing symmetry at ground floor and its mass would appear limited through the careful design. Although it would be off-set from the rear elevation of the existing dwelling (which is not, of itself,

symmetrical) the extension would echo its scale and design. Moreover, both the side and rear extensions when seen from the rear garden would be read as such, with the original dwelling remaining clearly visible and distinguishable.

9. The Council suggests that the extensions would be piecemeal and, taken together, would amount to an overdevelopment. However, I find the distinct separation of the smaller side extension helpful in ensuring that the existing rear elevation would not appear overwhelmed and in maintaining subservience and proportion in the context of the rear extension and the dwelling as a whole.
10. Overall, with respect to the side/rear extensions, whilst large, I consider that, owing to the size of the original dwelling, their limited height and the careful design which breaks up the mass and echoes key features of the host dwelling, these additions would not have any detrimental effect on the character or appearance of the host dwelling.
11. The proposed development includes alterations to the driveway and parking area, including extending the existing boundary wall and low railing some 5m into the site to create a 5m wide set back entrance and access which would improve visibility. The entrance would be secured by a 5m wide and 2m high double gate. This would be of metal railings to match the existing boundary. Railings and metal gates are seen elsewhere in this part of Barton Road although I did not see any as high as 2m. Nevertheless, the noticeable set back from the street and visually permeable appearance that would allow views into the site and maintain much of the openness of the frontage would ensure they did not appear out of place in a street that is characterised by a mixture of boundaries in terms of height and materials.
12. With regards to the effect of the proposed built development on the CA, when seen from Barton Road the side extensions, driveway and new entrance would preserve or enhance the character and appearance of the CA. The rear extensions and in particular the roofs would be visible from the public carpark to the north-west of the site. However, these would be seen in the context of the host dwelling, other buildings and at some distance and would preserve the character and appearance of the CA. Moreover, I note that neither the Council's Conservation Officer nor the City of Ely Council raise any objections to the proposed development.
13. It is concluded on the first main issue that the proposed development would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding area, including the Ely CA. In consequence, it would comply with Policies ENV1, ENV2 and ENV11 of the East Cambridgeshire Local Plan (LP), 2015 (As amended 2023), with the National Planning Policy Framework (NPPF) 2024, and the Council's Design Guide Supplementary Planning Document (SPD), 2012. Taken together and amongst other things, these expect development proposals in CAs to be of a particularly high standard of design such that they are sympathetic in terms of layout, scale, form, massing and materials to the surrounding area and enhance and complement local distinctiveness by having regard to local and historic context, such that they preserve or enhance the character or appearance of the CA.
14. Turning to the effect on trees, the application was accompanied by a tree report of a pre-development tree survey carried out in accordance with BS5837:2012 "Trees in relation to design, demolition and construction – recommendations". The report identified four trees and one group that could be affected by the proposed

development. Of these, one tree, T1, the Atlas Cedar, was found to have a retention category B (moderate quality) whilst the others, including the group, G3, were found to fall within retention category C (low quality). It is proposed that T1 and G3 would be retained and protected with T2, T4 and T5 being removed.

15. The Council's Tree Officer raises no objection to the proposals in terms of T4, T5 or G3 and I agree they could be removed or protected as proposed without any material effect on the CA. However, the Tree Officer objects to the removal of T2, a Cupressus some 6m high that is clearly visible from the street. This appears to be largely due to its prominent position in the front garden and thus perceived amenity value. The Tree Officer suggests that using the TEMPO tree evaluation method, its protection via a Tree Preservation Order (TPO) would be defensible. However, it is not clear how this conclusion has been reached and it is not suggested that a TPO would be imposed. This assertion therefore carries limited weight.
16. Conversely, the tree survey identifies T2 as of low quality and from my site visit I concur with this view. It is held up in places by strapping and I noticed dead sections, including towards the base. Although it is green and clearly visible from the street, I agree with the tree survey report that its amenity value is limited due to its low quality, reliance on artificial support and limited biodiversity value. Moreover, I note that the Council's Conservation Officer has not sought its retention. I therefore conclude that its removal would be acceptable, subject to suitable replacement planting. This could be secured through a planning condition.
17. It is agreed between the parties that T1, a large and prominent tree of note that makes a positive contribution to the character and appearance of the CA, should be retained and protected. I agree with this view. It is unclear from the evidence whether T1 is subject to a Tree Preservation Order but in any case, its location within the CA provides protection.
18. The proposed extension of the parking area would bring it towards T1 and would impinge on the calculated Root Protection Area (RPA) which extends some 8.5m from the trunk. There is no submitted plan showing an overlay between the proposed parking area and the RPA but I agree with the Council's Tree Officer's estimate that the parking area would come within about 5.6m of the tree. This would result in an overlap into the RPA. Nevertheless, the area would be limited due to the proposed layout. Most of the RPA lies within the grassed garden with a small section extending beyond the boundary with 12 Barton Road and a small section extending beyond the front boundary of the appeal site.
19. Although the default should generally be that no development takes place within the RPA of a retained tree, in this case where the conflict is over a limited area, where the majority of the RPA is of high quality and where the proposed development is a parking area serving a single dwelling that could be constructed using methods designed to prevent root damage and is proposed to be block paved, which according to BS5837:2012 can be specified and laid so as to allow air and moisture to penetrate to the roots, I consider there is scope for compromise without risking material damage to the tree. The Council has suggested, and the appellant agrees to, a suitable condition being imposed. I have altered the Council's suggested wording to be more specific.
20. I therefore conclude on the second main issue that, subject to suitable planning conditions requiring details of the method of construction within the RPA of T1 and

measures for the protection of retained trees and replacement of T2, the proposed development would not result in unacceptable harm to trees located within the site, including their amenity value, and would preserve or enhance the character or appearance of the Ely CA. In consequence, the proposed development would have no unacceptably harmful effect on trees and would comply with LP Policy ENV7 and Policy SPD.NE8 of the Natural Environment Supplementary Planning Document, 2020. Taken together and amongst other things these expect evidence of an adequate consideration of the impact on trees, measures to protect biodiversity and minimise the harm to or loss of trees and the provision of appropriate mitigation measures or replacement features.

21. In addition to the statutory commencement condition and conditions requiring tree protection and replacement planting the Council suggests a condition requiring the development to be carried out in accordance with the approved plans which I agree is necessary to provide certainty. As suggested by the Council, it is also necessary to ensure materials are as proposed in order to protect the character and appearance of the area, including the Ely CA. However, in this case the proposed materials would not match the existing building and so I will alter the wording of the standard condition accordingly .
22. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR