



Appeal Decision

Site visit made on 4 March 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Appeal Ref: APP/Z4310/D/24/3350185

9 Bridge Gardens, Liverpool L12 0LS

- 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 Mrs Yvonne Holsgrove against the decision of Liverpool City Council.
 - The application Ref is 22H/3485.
 - The development proposed is rear single storey extension projecting 4m with Juliet balcony. Garage conversion to the front elevation with small infill extension.
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Decision

1. The appeal is allowed and planning permission is granted for rear single storey extension projecting 4m with Juliet balcony. Garage conversion to the front elevation with small infill extension at 9 Bridge Gardens, Liverpool L12 0LS in accordance with the terms of the application, Ref 22H/3485, 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 development hereby permitted shall be carried out in accordance with the following approved plan: BR-02B.
 - 3) The external materials of the development hereby permitted shall match those used in the existing dwelling.
 - 4) The Cherry tree to the front of 7 Bridge Gardens, whose canopy overhangs the site, shall be protected by strong fencing, the location and type as detailed within the Arboricultural Report prepared by IROSARB, dated 4 March 2024, and on the AIA and AMS drawing no. 0323/06. The fencing shall be erected in accordance with such details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within the fenced area, nor shall any excavation be made, and the ground levels within the Restricted Activity Zone shown on the plan shall not be altered.

Preliminary Matters

2. The proposals include a single storey rear extension with a Juliet balcony and garage conversion to which the Council raised no objections. Based on the information before me, I agree that due to the simple and appropriate design of such works they would not be harmful to the character and appearance of the appeal property or the area. Furthermore, as the rear extension is single storey

and would sit away from the shared boundaries, I agree that the living conditions of the occupiers of the adjoining dwellings would not be adversely affected.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to its effect on a protected tree.

Reasons

4. The appeal site is within a residential cul-de-sac comprising detached dwellings with open front gardens. Whilst the frontage of the appeal property is given over entirely to hard surfacing, most of the front gardens within the cul-de-sac contain landscaping. Such soft planting, and the trees that are present, provide a pleasant, residential environment.
5. The proposal includes the construction of a single storey front extension that would infill the area between the two-storey side elevation and an existing forward projecting single storey element currently containing the garage. A small proportion of the canopy of a Cherry tree (the Tree), protected through a Tree Preservation Order, that lies within the front garden of the adjoining property, overhangs the appeal site. Along with the other trees on Bridge Gardens, it contributes to the character and appearance of the locality. The appellant's Arboricultural Report (the Report) indicates that the Tree is of moderate amenity value and based on my observations on my visit, I agree. I have no evidence before me that would suggest that the Tree would not survive for many years if current circumstances remained unchanged.
6. The submitted Tree Constraints Plan shows that the proposed infill extension would marginally encroach into the root protection area (RPA) which, according to the annotation on the plan, has been drawn asymmetrically 'due to heavily compacted driveway'. Following concerns raised by the Council that such offsetting of the RPA has not been sufficiently justified, the appellant dug a trial pit to 600mm in depth at the corner of the proposed extension nearest to the Tree. The photographs of the trial pit show no visible evidence of roots and the density of the ground, due to the presence of bricks and stones, suggests that this area is not viable for root extension and that an asymmetrically drawn RPA is appropriate in this case. Even if a standard RPA was drawn, which would mean that most, if not all, of the extension would lie within it, the evidence before me still suggests that there are no major roots where the extension would be constructed.
7. I acknowledge that the objections of the Council remain. However, it has not provided any explanation as to why the excavated trial pit is inadequate for the purposes of identifying the impact of the proposals on the tree, or what further investigations should be undertaken. Accordingly, whilst generally no works should be carried out within the RPA of a tree, in this case it has been shown that it is highly unlikely that significant roots would be found in the area around the proposed foundations. I therefore find that the proposed infill extension would not have a significantly detrimental effect on the Tree in terms of its impact on its rooting system.
8. The Report suggest the raising of the crown of the Tree over the drive of the appeal site. The existing canopy is already asymmetrical, and I do not consider such crown lifting, if it were to take place, would harm the tree or reduce its

contribution to the character and appearance of the area. In addition, given the limited number of branches that extend over the appeal site due to the asymmetry of the crown, I do not consider that excessive pruning, likely to harm the tree, would be necessary in the future.

9. Accordingly, I conclude that the proposed development would not harm the character and appearance of the area through harm to a protected tree and would accord with Policy GI 9 of the Liverpool Local Plan, adopted January 2022, which seeks to protect trees from development.

Other Matters

10. I have noted the appellant's personal circumstances, as briefly outlined in the grounds of appeal, and I have considered the stated accommodation needs in light of the Public Sector Equality Duty set out in section 149 of the Equality Act 2010. Nonetheless, given my conclusion above, there is no need to consider this matter further.
11. I acknowledge the concerns expressed by an interested party regarding the conduct of the person carrying out the tree survey that formed part of the submitted Arboricultural Report. However, such matters fall outside of the remit of this decision.

Conditions

12. I have imposed, in the interests of certainty, a condition that specifies that the development must be carried out in accordance with the approved plans. A condition relating to matching materials is also necessary to ensure that the appearance of the new development would be satisfactory. In the interests of the character and appearance of the area, I have also included a condition requiring tree protection measures which I consider must be a pre-commencement condition to provide protection over the full course of construction works.

Conclusion

13. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR