



Appeal Decision

Site visit made on 2 April 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/C3240/W/24/3356194

18 Highfield, Church Aston, Newport, Shropshire, TF10 9LW

- 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 Pratt against the decision of Telford and Wrekin Council.
- The application Ref is TWC/2024/0635.
- The development proposed is described as “proposal to build a new 4 bed timber framed dwelling, off steel screw piles, with the removal of 1 No. Existing TPO'd Tree (DEAD), with 5 No. new replacement trees planted to reinstate/restore existing tree line. All to be sited on land adjacent to 18 Highfield Road.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area, with specific regard to protected trees; and
 - whether the proposal would provide acceptable living conditions for future occupants, with particular regard to daylight.

Reasons

Character and appearance

3. The proposed dwelling would be positioned close to 2 existing trees, which are subject of a Tree Preservation Order (TPO). These trees are referred to in the Tree Report¹ as T0473, a sweet chestnut, and T0475, a sycamore (hereon referred to as the protected trees). The Tree Report assesses the condition of the protected trees as good, and I have no substantive evidence before me to suggest that they would be unlikely to survive for many years.
4. Highfield has a spacious and verdant character, and mature large trees are a positive attribute of the immediate area. The Tree Report identifies the protected trees as high value landscape features. From the evidence before me and my observations on site, I can find no reason to disagree. I saw on site that they are prominent, and visible from some of the surrounding streets, such as parts of The Spinney, as well as from Highfield. They are tall and imposing, even during the

¹ Tree Report (BS 5837:2012): for 18 Highfield, Church Aston, Newport, TF10 9LW, prepared by Rob Keyzor Tree Surgeons & Arboricultural Consultants Ltd, dated April 2023 – Revised June 2024.

winter months when they have no leaves. While they are located not far from other trees, if lost, their absence would create a noticeable gap in the landscape.

5. There is no dispute between the parties that the proposed dwelling could likely be constructed without affecting the health of the protected trees. The appellant refers to three planning applications where screw piles were used to allow the construction of structures within the Root Protection Areas of retained trees. Nonetheless, the Council has not challenged the proposed screw piles or that they would allow the proposed dwelling to be built without impacting on the roots of the protected trees. The Council's principal concern, in this case, is future pressure to remove the protected trees once the proposed dwelling is occupied.
6. BS 5837:2012 Trees in relation to design, demolition, and construction – Recommendations explains that during the design process, to maximise the probability of successful tree retention certain factors should be taken into account, including direct damage, the future pressure of removal and seasonal nuisance. In this case, although the patio area has been relocated to the west of the proposed dwelling, the position of the proposed dwelling has not been altered and it remains very close to the protected trees. The submitted Landscape Layout Plan 8314-010C shows the tree canopies would touch the proposed dwelling along its northern elevation and at its north-western corner. This is also shown on the Arboricultural Impact Assessment and Tree Removal Plan in the Tree Report.
7. Thus, there no appreciable gap between the proposed dwelling and the protected trees. Indeed, the Tree Report identifies potential pruning of both protected trees, of up to 1.5 metres from their crowns, to facilitate construction of the proposed dwelling. Given this, while I appreciate that there are benefits of living close to trees, in my view, given the proximity, the protected trees would be overbearing, even if pruned before construction. This relationship would likely increase pressure for future pruning of the trees or even removal of the trees altogether, due to, for example, seasonal nuisance, such as leaf litter, including chestnut cases, as well as likely apprehension of the occupants that significant damage to the proposed dwelling would result if the trees were compromised in any way.
8. Furthermore, I note that the Tree Report identifies that, T0475, the protected sycamore, is Early Mature. Its growth rate is therefore still increasing, and it will require space to continue to grow. Any increase in the spread of the canopy towards the proposed dwelling may result in direct damage to it from contact with branches. Thus, although the tree is protected, these changing circumstances could be used to justify its removal.
9. Overall, I am of the view that future occupants of the proposed dwelling would most likely find the protected trees oppressive. Given this, despite the protected trees being subject of a TPO, there is a tangible risk that occupation of the proposed dwelling would result in future pressure to extensively prune or remove them. This would significantly harm the character and appearance and visual amenity of the immediate area.
10. The appellant refers to the provision of five new replacement common Beech trees as part of the proposal, which are shown on the Landscape Layout, and the benefits of these trees to insects, nesting birds, fungi, mosses and lichens. However, while these trees would be a positive addition to the visual amenity of the immediate area, they would take time to establish and many years to reach the

height and maturity of the protected trees. The provision of these replacement trees would therefore not provide justification to risk the future removal of the protected trees.

11. Accordingly, it has not been demonstrated that the proposal would not result in a detrimental impact upon the long-term viability of the protected trees and subsequently significant harm to the character and appearance of the immediate area. It would therefore conflict with NE2 of the Telford & Wrekin Local Plan 2011 – 2031 (2018) (Local Plan), which seeks to ensure existing trees with visual amenity value are retained, protected and appropriately managed.

Living conditions

12. Bedroom 2 of the proposed dwelling would only be served by one window. This window would be north facing and would therefore receive less natural light than windows on other elevations of the house. In addition, during the months it was full, the canopy of the protected sweet chestnut, T0473, would be reasonably dense, and would cast shadow over this window. Given this, I am not satisfied that Bedroom 2 would be afforded sufficient levels of natural light.
13. Accordingly, in the absence of any substantive evidence to the contrary, the proposed dwelling would not afford future occupants acceptable living conditions. The proposal would therefore conflict with Policy BE1 of the Local Plan. This policy seeks to support development that produces an environment which facilitates and encourages healthy living. This aligns with the aim of the National Planning Policy Framework to create places that promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

14. The proposal would provide an additional dwelling of a very high standard of sustainability. Nonetheless, while this would provide a meaningful contribution to reducing greenhouse gases, given the scale of the development, this benefit, as well as its contribution to the housing supply, would be modest. I note that the proposal is stated to be a self-build dwelling. However, in this case, there is no mechanism before me, such as a planning obligation, to prevent the proposed dwelling from coming forward as a market dwelling. I can therefore only afford this limited weight in my decision.
15. The appellant also refers to the health and safety benefits of removing a dead tree on the appeal site. However, there is nothing before me to suggest the removal of this tree is dependent on this appeal being allowed.

Conclusion

16. Overall, I find the proposal would conflict with the development plan read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Subsequently, the proposal would also conflict with Policy SP4 of the Local Plan. The appeal is therefore dismissed.

Hannah Guest INSPECTOR