



Appeal Decision

Site visit made on 25 March 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/F3545/W/24/3355195

Land adjacent to 12 Looms Lane, Bury St Edmunds, Suffolk

- 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 Matthew Smith of Aorist Ltd against the decision of West Suffolk Council.
 - The application Ref is DC/23/1884/FUL.
 - The development proposed is the change of use, conversion and extension of the existing office building to residential apartments, as well as the construction of one single storey dwelling in place of the existing car port to the rear of the site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address given on the application form is '12 Looms Lane, Bury St Edmunds IP33 1HE'. The appeal form and the decision notice cite the address as 'Land adjacent to 12 Looms Lane, Bury St Edmunds, Suffolk' which I have used in the banner above as this is a more accurate description of the address.
3. The application form includes a long description of the proposed development. The description of development in the banner above is a condensed version of this.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area, with particular regard to trees; and
 - ecology.

Reasons

Character and appearance

5. The appeal site comprises a two storey office building, car port and hardstanding parking area within Bury St Edmunds town centre. A boundary wall separates it from an adjacent small cemetery containing a robinia tree which has some branches extending into the appeal site. On disused land to the south, there is a sycamore protected by a group Tree Preservation Order, a significant amount of whose canopy overhangs the car port. The proposal is to convert and extend the office building to form apartments and to erect a single storey dwelling on the existing car parking and car port area.

6. The Arboricultural Impact Assessment & Method Statement (AIA) indicates that the adjacent robinia and sycamore trees are around 10-11m high, each with reasonable crown spread in all directions. The AIA assesses these trees as being in fair overall condition each with over 20 years remaining lifespan.
7. The robinia is evident from Lower Baxter Street and the adjacent car park and the sycamore is visible from the historic Angel Hill, both within the Bury St Edmunds Conservation Area. Due to their significant height, canopies, condition, expected lifespan and visibility from surrounding roads, the two trees form natural features which contribute positively to the local character of the area. The veteran robinia has great value given the rarity of this species in reaching such an age and its location within an urban environment.
8. The proposed development would be within the root protection areas (RPAs) for the two trees. The Council is concerned about the impact of the foundations for the new house on the roots of the robinia. No tree root incursions or damage are visible in the basements of the existing buildings, but the boundary wall is not of sufficient construction to preclude the robinia tree roots from extending into the appeal site.
9. A core sample was taken close to the boundary wall and robinia tree which confirmed that the existing hardstanding comprises a 4cm top layer of tarmac, overlaid on a 16cm concrete slab with compressed stones beneath. Nevertheless, roots can develop up to 2m below ground and a single core sample undertaken to a relatively shallow depth is insufficient to indicate that there are no robinia tree roots below the area of the proposed house.
10. Information from a structural engineer in November 2024 indicates that the existing basement could be used as a foundation for part of the proposed dwelling, with no need for further excavation to the existing subsoil in this area. It outlines that a piled raft foundation would be needed for the northern portion of the proposed building. With advice from an arboriculturalist, it is stated that initial excavation for the piles should be done by hand to avoid damage to roots, and if roots are encountered the pile could be repositioned to suit. Using this design and method secured by a condition, the appellant asserts that disturbance of the existing subsoil and roots would be minimal and damage to any significant roots would be avoided entirely.
11. However, it is unclear how piles could be installed without encountering or damaging the robinia's roots. Further, there is no substantial methodology to ensure that site operatives would follow any necessary working methods. In this respect, the AIA does not consider the impact of the foundation design on tree roots and therefore a full assessment of how the construction works would be carried out without causing damage to the robinia tree has not been undertaken. As such, it has not been demonstrated that the proposed development would not cause harm to the health and lifespan of the robinia.
12. There are no openings on the south face of the existing office building, but the appeal scheme would increase the height of this structure and introduce apartment windows and flush Juliet balconies onto this elevation, adjacent to the robinia. As small branches extend above the building, minor initial pruning would be needed to accommodate the higher structure. Further, although the robinia leans away from

the offices and is retrenching, there may be a future need for further pruning to prevent conflict between the altered building and the tree.

13. In addition, due to the proximity of the robinia's crown to the proposed south facing openings, the scheme would be likely to result in further pressure to prune this tree from future residents due to wind blown debris and shading of windows. There would also be perceived risks of damage to the building from falling branches and tree roots. Therefore, pressure for future works to the robinia that harmfully affects its contribution to local character cannot be ruled out.
14. The proposed single storey dwelling would be close to the protected sycamore. The AIA indicates that the sycamore is showing signs of stress and that its canopy spread to the north is 3m. It outlines that it would be necessary to prune this tree to construct the proposed development which would involve reducing its canopy by 3m or to the closest union on the north side of the tree. This would effectively remove part of one side of the tree, leaving it misshapen and unbalanced. Further, removing this amount of the crown would be likely to exacerbate stress to the tree, potentially leading to deterioration in its condition, which could lead to further pruning or even pressure to remove it.
15. Subsequently, the appellant has indicated that the sycamore tree is in good condition and only a modest level of pruning would be required which is at odds with the information in the AIA. Given this, I cannot be certain that the proposal would not require works to the protected sycamore which would unacceptably harm its appearance.
16. Consequently, I conclude that the proposal would harm the character and appearance of the area, with particular regard to trees. This would be contrary to Policy DM13 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document 2015 (DMPD) where it requires development to not have an unacceptable adverse impact on the character of the landscape, landscape features or amenity value.

Ecology

17. There is no dispute that the robinia is a veteran tree and has significant ecological value. Indeed, the preliminary ecological appraisal indicates that this tree has features that may provide bat roost and bird nest sites.
18. The 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions' (the standing advice) by Natural England and the Forestry Commission outlines that veteran trees have significant decay features which contribute to their exceptional biodiversity, cultural and heritage value.
19. The Framework states that development resulting in the deterioration of irreplaceable habitats such as veteran trees should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Natural England and the Forestry Commission's standing advice¹ refers to a buffer zone for veteran trees which creates a minimum RPA and is larger than that defined under BS5837:2012². Both RPAs for the robinia are shown in the tree protection plan. The standing advice indicates that development proposals should not be approved within a buffer zone.

¹ 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions'

² 'Trees in Relation to Design, Demolition and Construction – Recommendations'

20. The proposed scheme would be within the buffer zone for the veteran robinia tree. Whilst development has already occurred within the buffer zone, the tree has already adapted to these changes. As set out above, I cannot be certain that the construction of the dwelling would not unacceptably damage the robinia. Further, there would be a need for some minor pruning to accommodate the higher building and a risk of further pressure to prune it from future occupiers of the flats. There would be some public benefits from the provision of additional dwellings, energy efficient design and contribution to the local economy but these would not provide wholly exceptional reasons to justify the harm to the robinia tree.
21. Therefore, I conclude that the proposed development would harm the irreplaceable ecological habitat provided by the veteran robinia tree. This would conflict with Policy DM13 of the DMPD where it requires development to not have an unacceptable impact on wildlife.

Other Matters

22. The Council did not find harm or development plan conflict in relation to several other matters, including parking, noise, living conditions and impact on the street scene and heritage assets. Various consultees also did not object. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.
23. The appellant has expressed general dissatisfaction with the Council's handling of the application, but this is a matter between those parties and does not in this instance have any bearing on my determination of this appeal.

Planning Balance and Conclusion

24. The Council accepts that it cannot currently demonstrate a five year housing land supply required by the Framework though this is likely to change once the West Suffolk Local Plan is adopted later this year. Its current published position, from February 2025, is a 3.6 year supply. This represents a significant shortfall and therefore paragraph 11(d) of the Framework is engaged.
25. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places.
26. The Framework seeks to significantly boost housing supply and highlights the important contribution small and medium sized sites can make. It also supports opportunities to use airspace above existing premises for new homes, including mansard roof extensions where development would be consistent with the overall street scene. The proposal would make a modest contribution of seven homes to the supply of housing, making better use of previously developed land within Bury St Edmunds town centre with good access to services and public transport. It would contribute towards West Suffolk's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.

27. The economic benefits and proposed sustainable design and energy efficiency measures also carry weight in favour of the proposal. However, given its relatively small scale, these benefits would be limited.
28. In contrast, the proposal would harm the character and appearance of the area and the irreplaceable ecological habitat provided by the veteran robinia tree. This would conflict with the Framework where it requires development to be sympathetic to local character and seeks to prevent development which results in the deterioration of irreplaceable habitats. The proposal would also be contrary to Policy DM13 of the DMPD. Indeed, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
29. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR