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## Appeal Decision

Site visit made on 1 July 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

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**Appeal Ref: APP/N4720/W/25/3365200**

**Vergers Cottage, Town Street Court, Horsforth, Leeds LS18 5LL**

- 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 Miss Carli Mcfadden against the decision of Leeds City Council.
  - The application Ref is 25/00578/FU.
  - The development proposed is detached garage to side.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The decision notice utilises a different description of development to that found on the application form. The description given on the application form included superfluous information. In the interests of clarity and conciseness, I have utilised the description of development as found on the decision notice.
3. The appeal site lies within the Horsforth Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

### Main Issue

4. The main issue is the effect of the proposal on a protected tree and its subsequent effect upon the Horsforth Conservation Area.

### Reasons

5. The appeal site is located within the Town Street area of the Horsforth Conservation Area (CA). This area of the CA hosts a strong linear form which is enclosed on both sides by two storey buildings with a narrow space afforded to the highway. Despite the imposing built forms in this area of the CA, there is a presence of individual trees located to the periphery. These are typically tall and significant trees which are visible behind the buildings which align Town Street, when viewed from within Town Street itself. The presence of these trees assists in the creation of a verdant character in an otherwise compact built form. Overall, the CA takes its significance from its linear layout and compact nature of its streets.
6. Vergers Cottage is located in a court of buildings behind Town Street. The tree which is the focus of this appeal is within the side garden of Vergers Cottage. The tree is a mature sycamore (T1) which is subject to Tree Preservation Order 2003/60 (TPO). This tree is visually significant with a large canopy spread. Due to

its position behind the buildings which align Town Street, T1 positively contributes to the verdant character which borders the dense built form of the CA.

7. The proposal is a detached garage building which would face onto Town Street Court. Whilst this building would not be sited directly adjacent to the trunk of T1, a tree of such a significant size is likely to have a root protection area which would exceed its canopy spread. Tree roots can be damaged when weight is placed upon them through compaction. Once damage to the roots has been made, this can cause damage to the tree, including its death.
8. The application is absent of a Tree Survey and an Arboricultural Impact Assessment which has been completed by a suitably qualified person. The appellant suggests that the development would be located approximately 10m from the base of the tree. However, it is unclear from the plans before me where T1 sits in relation to the appeal building as it is not illustrated on the drawings submitted. Therefore, it is not possible to determine the full impact of the garage in relation to the root protection area and T1 overall. It flows from this absence of evidence that the proposal would create an untenable relationship with T1 and have a harmful effect upon its health, including its possible death. Therefore, this would have a negative effect upon the significance of the CA.
9. It is suggested that the development would be located upon an existing concrete pad. However, during my site visit, it was noted that this concrete pad appeared to be smaller than the development proposed. It is therefore likely that this pad would need to be extended further towards T1 in order to accommodate this proposal.
10. The possible harm which would be created to the CA would be less than substantial, in the parlance of the National Planning Policy Framework. As this would be a development incidental to the enjoyment of the occupants of Vergers Cottage, I do not find any public benefits that would outweigh this harm in this case.
11. Consequently, the development would conflict with Policies GP5, LD1, N25 and Land 2 of the Leeds Unitary Development Plan (Review 2006) and Policies P10 and P12 of the Leeds Core Strategy (Amendments 2019). Collectively, these policies note that development proposals should seek to avoid problems of environmental intrusion, protect existing vegetation and enable existing trees to be retained in a healthy condition. These policies seek to support proposals where the development would protect historical and natural assets of which their historical and cultural significance will be conserved.

## **Conclusion**

12. For the reasons given above, the appeal should be dismissed.

*J Smith*

INSPECTOR