



Appeal Decision

Site visit made on 16 July 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/J4423/D/25/3366068

17 Lyndhurst Road, Sheffield S11 9BJ

- 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 Dylan Liu against the decision of Sheffield City Council.
 - The application Ref is 25/00834/FUL.
 - The development proposed is described as the erection of a treehouse to front of dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner above, I have taken the description of development from the decision notice of the Council and the appeal form rather than that which is detailed in the application form. This is because it more accurately describes the development proposed.

Main Issues

3. The main issues are:
 - a) whether the development would preserve or enhance the character or appearance of the Nether Edge Conservation Area; and,
 - b) the effect of the development on trees.

Reasons

The Nether Edge Conservation Area (the NECA)

4. The appeal site lies within the NECA which is a suburb of Sheffield. The NECA is characterised by Victorian and Edwardian buildings and tree-lined avenues. The statutory requirement¹ requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Insofar as is relevant to this appeal the significance of the NECA derives from its historical development as a 19th century suburb, the architectural quality and layout of the buildings within it, and the well landscaped plots which creates a verdant setting.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. The appeal site relates to a detached dwelling located within a spacious plot. The site is well landscaped with mature vegetation along its roadside boundary. The Nether Edge Conservation Area Appraisal (the NECAA) identifies that the majority of the site does not lie within a specific character area. However, the NECAA does show that the site frontage is located within the Nether Edge Village Character Area. Within this character area, the NECAA identifies that there are few remaining natural features, but acknowledges that the area is rich in greenery from the large residential gardens. While the appeal dwelling itself appears to be of more recent construction, the spacious plot and well landscaped garden means that the site contributes positively to the overall character and appearance of the NECA.
6. The side of Lyndhurst Road on which the appeal site is located is predominantly residential in character. Dwellings are generally well set back from the street, and sited within spacious well landscaped plots. While there are a few ancillary domestic buildings set forward of the dwellings, these are generally discretely sited or have a design which is of domestic appearance. On the opposite side of Lyndhurst Road are various buildings which were associated with the Nether Edge Hospital. That area has a distinctly different character which is notable by its plan form, scale of buildings and level of vegetation.
7. The appeal relates to the construction of a treehouse which would be constructed around the trunk of a mature tree. The tree is positioned towards the front of the plot and is prominent within the street. The treehouse would include an elevated platform positioned some distance up the trunk of the tree. The platform would be mounted on posts and would, in the main, project towards Lyndhurst Road. A timber boarded enclosure with timber shingle lean-to roof is proposed on the platform. The treehouse would be accessed by a ladder.
8. The extent of mature landscaping along the front boundary means that views of the treehouse are likely to be well screened from Lyndhurst Road on the approach from Alexandra Gardens. However, the existing tree trunk, around which the treehouse would be sited, is exposed in views from the Union Road direction. Consequently, the treehouse would be sited in a highly prominent location when viewed from this direction.
9. The general form and appearance of the treehouse, with its timber materials, would result in a feature which is not characteristic to the NECA and would appear at odds with the general form and appearance of buildings in the area. Set against the mature vegetation, the development would appear as a visually unfamiliar and isolated structure which would contrast markedly with the verdant character of the site and its surroundings. The incongruity of the development would be exacerbated by its forward siting, close to Lyndhurst Road, in an exposed and elevated position where the treehouse would appear highly prominent.
10. I acknowledge that there are some examples of domestic outbuildings sited between the dwelling and the street, including those within the garden of No.94. However, those buildings are more domestic in appearance so that they appear visually associated with the dwelling, while there are not located in an elevated position. As such they do not appear out of context. Therefore, I do not find these existing domestic outbuildings to be directly comparable to the appeal development. In any event, I have considered the effects of the appeal on its individual merits.

11. I also note the appellants suggestion that the treehouse is not designed to be a permanent structure. However, there is nothing before me to indicate the lifespan of the development. In any event, I find the development would be harmful to the significance of the NECA regardless of its lifespan. Therefore, any suggested temporary nature of the development would not override the statutory requirement that I have noted above.
12. For the above reasons, I consider that the proposed development would be a negative intervention which would fail to preserve or enhance the character or appearance of the NECA, harming its significance. Therefore, the proposals are contrary to Policies BE5, BE15, BE16 and H14 of the Sheffield Unitary Development Plan (1998) (the UDP), and Policy CS74 of the Sheffield Development Framework Core Strategy (2009). Together, amongst other things, these require that development is of good design and that regard be had to preserving and enhancing heritage assets.
13. The impact of the proposal would be relatively localised and the harm to the NECA identified above would be at the lower end of less than substantial. The Framework makes clear in paragraph 215 that where a development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
14. In this instance, no benefits of the development have been advanced and any benefits associated with the development would appear to be primarily private. Therefore, there is nothing before me to suggest that the harm to the heritage asset would be outweighed by public benefits.

Trees

15. The proposed treehouse would be constructed around a large tree within the front garden. The tree is substantial and has a high canopy which is visually prominent from the surrounding area. I find that the tree makes a valuable contribution to the visual amenity of the area.
16. The platform of the treehouse would be constructed around the trunk of the tree without any physical attachment to it. Furthermore, the high canopy of the tree would mean that it could be constructed without the need for works to the tree. However, the submitted plans indicate that the structure would be secured by four concrete pad foundations within the ground. I do not have any indication of the root protection area (RPA) of this tree. However, given the close proximity of the development to the tree trunk it is highly probable that some, if not all, of the foundations would be within the RPA.
17. I note that the location of the tree is close to the walled front and side boundaries of the site. The proximity to these walls may mean that that the root system is constrained. Furthermore, I note that an area of hardstanding has been constructed close to the tree which may also have affected the RPA.
18. While the incursion of the development into the RPA may be relatively small, they would require excavation into the ground to provide the concrete pad foundations. Such excavation may require the severance or cutting back of roots. This may affect the health of the tree and its longer term retention. The loss of the tree would have a negative effect on the visual amenity of the area and would be

unacceptable. No detailed arboricultural information has been provided and, in the absence of this, I cannot be satisfied that the development would not have an unacceptable effect on the health or longer term retention of this tree.

19. I also note that there are other trees on site, located adjacent to Lyndhurst Road, which would be close to the location of the proposed development. It appears that the proposed foundations would be sited close to these trees and there is potential that the RPA of these other trees may also be affected.
20. For the above reasons, I have insufficient information to demonstrate that the development would not have an unacceptable effect on trees. The development is therefore contrary to Policy GE15 of the UDP which seeks to protect and retain mature trees.

Conclusion

21. For the reasons given above the appeal should be dismissed.

D Cleary

INSPECTOR