



Appeal Decision

Site visit made on 23 July 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/N4720/W/25/3361995

Land to rear of 3 Crowther Avenue, Calverley LS28 5SA

- 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 Frankhill Ltd against the decision of Leeds City Council.
 - The application Ref is 24/00964/FU.
 - The development proposed is residential development of four number six bedroom detached houses with integral garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the avoidance of doubt, I have taken the spelling of the appellant's name from the appeal form and other appeal documents as that on the planning application form is unclear.

Main Issue

3. The main issue is the effect of the proposed houses and garages on trees and any subsequent effect on the character and appearance of the area.

Reasons

4. The appeal site comprises No 3 Crowther Avenue and an area of land behind it. It is surrounded by residential properties and comprises an undeveloped area of rough grassland, hedges and trees. The trees are protected by a Tree Preservation Order (TPO)¹. This is a woodland TPO which does not specify individual trees but protects the trees of whatever species within the TPO plan. The appeal site is within this area. The proposal is for four detached houses with integral garages with an access from the existing driveway alongside No 3. In the road, within a grass verge, there are two mature Horse Chestnut trees. These are not included in the TPO.
5. The appeal documents include an Arboricultural Impact Assessment (AIA) and a Tree Planting Scheme, both of which were submitted with the planning application. The AIA identifies six individual TPO trees and two groups of trees for removal. The trees for removal are not of a high quality. Replacement planting would comprise of 38 heavy-standard, native specimen trees.

¹ Town and Country Planning Act 1990 City of Leeds Tree Preservation Order (No.58) 2003 (Crowther Avenue Calverley Pudsey).

6. The proposed dwellings would be substantial detached properties and whilst a number of trees would be removed, the verdant character of the appeal site would be retained by new planting. However, some of the trees that would remain would be close to the houses, for example, T4 in Plot 1, T19 in Plot 2 and G8 in Plots 1 and 2. Within the site, tree protection measures could be secured through a suitably worded condition but given the proximity of retained trees and the difference in levels across the site, it is not clear that the trees could be adequately protected. Cross sections of the site are submitted and contours are shown on the layout plan but it is not clear how the different levels relate to the trees and how these would impact on the root protection areas.
7. Furthermore, the proximity of trees to the houses and the amount of trees existing and proposed would reduce the amount of available amenity space to the dwellings. The Council has indicated that the outside amenity space for each plot would be satisfactory. However, given the orientation of the houses, it is likely that some of the trees could come under pressure to improve light and amenity space by future occupiers.
8. Outside the site, the two mature Horse Chestnut trees at the site's entrance, T26 and T27, are not protected by a TPO but they are street trees and make a significant contribution to the character and appearance of the street scene. The existing access would be widened to accommodate the development and plans indicate that root protection areas would be encroached. Tree protection measures and no-dig/hand dug methods of construction could be secured through a condition. The appellant states that excavation works have been carried out within the driveway but no roots were observed. Reference is also made to works to provide servicing (a TV cabling company) that cut through tree roots. This apparently took place within the last two years.
9. Notwithstanding this, these are large trees with substantial root protection areas, they are very close to the existing access and I am not convinced that the proposed works would not pose a serious risk to the trees future well-being. Given the important contribution that these trees make to the character and appearance of the area, I do not consider that the details necessary to ensure their protection should be left to a condition linked to a planning approval. This is an important matter that needs to be addressed at the outset.
10. Furthermore, matters of climate change, ecology, landscape and townscape enhancements would be impacted upon by the loss of trees. The proposed new tree planting would be capable of mitigating any losses to a large degree on the site itself but would not overcome the harm to the Horse Chestnut trees at the site's access. The impact of any contaminated soil has been raised and although this could be addressed by a suitably worded condition, it is not clear at this stage, how any remediation works, if any would be necessary, would impact on the trees.
11. I note that planning permission has previously been granted on the site; an outline approval for five houses², which included the demolition of Nos 3 and 5 Crowther Avenue; and the erection of one detached house³. Both of these permissions have expired but the Council does not dispute the acceptability of residential development in some form on this site. Nevertheless, I consider that the combination of utilising the existing access and the number of properties proposed

² Planning Application Ref: 14/04306/OT.

³ Planning Application Ref: 16/05743/FU.

would undermine the immediate and long term welfare of the trees protected by the TPO and significantly, the two street trees.

12. I conclude that the proposed houses and garages would have a harmful effect on trees and subsequently harm the character and appearance of the area. This would conflict with Core Strategy⁴ Policies P10, P12 and G9 and UDP⁵ Policies GP5, BD5 and LD1 which collectively seek to protect the surrounding locality, landscape and townscape and biodiversity. It would also conflict with the National Planning Policy Framework (the Framework) in terms of conserving and enhancing the natural environment.

Other Matters

13. The proposal would include benefits in terms of the economic benefits during the construction phase, and the social benefits in terms of providing five new homes. However, the construction phase would be limited and there is no indication that there is a need for new family homes in the area. The Council has stated that it can provide a five year supply of housing land as required by the Framework. The proposal would also have environmental benefits in terms of the proposed new tree planting but this would be at the cost of losing existing trees and threatening their future health and longevity.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR

⁴ Leeds City Council – Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan, Adopted November 2014, Amendments Adopted 11 September 2019.

⁵ Leeds City Council – Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (UDP), Adopted by Leeds City Council 19 July 2006.