



Appeal Decision

Site visit made on 8 July 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/Z4310/D/25/3366267

51 South Road, Cressington, Liverpool, Merseyside L19 0LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr. Kevin Dryhurst against the decision of the Liverpool City Council.
 - The application Ref 24H/2188
 - The development proposed is to retain hard and soft landscaping works and attached pergola on rear elevation of main dwelling
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council changed the description of development from that referenced on the application form. I note that the Appellant also uses this in the Statement of Case, I have adopted the revised description of development.

Main Issue

3. The main issue in this appeal is the effect of the development on trees.

Reasons

4. The appeal site lies within a predominantly residential area, comprising mainly large detached/ semi-detached properties within the Grassendale and Cressington Parks Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area. The trees on the appeal site and surrounding area are protected.
5. Paragraph 212 of the National Planning Policy Framework (2024) (the Framework) states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.
6. The landscaping works carried out within the rear and side garden involve the installation of garden features and some areas of hardstanding and an attached pergola on the rear elevation of the main property. The Council's Heritage Officer

concludes that the development would have a neutral impact upon the character and appearance of the conservation area, I agree.

7. A Tree Report, an Arboricultural Impact Assessment (AIA) and Arboricultural Works Method Statement (AMS) have been provided by the appellant to support the proposal, meeting the requirements of Policy GI9(1) of the Liverpool Local Plan 2013-2033 (2022) (the Local Plan). With regard to BS5837: 2012 which assumes that "the execution of its provisions is entrusted to appropriately qualified and experienced people, for whose use it has been prepared." I have no substantive evidence before me to confirm that this is not the case.
8. Policy GI9(2) confirms that tree works should be carried out by a competent/qualified arborist to implement the development which have been agreed within an approved AMS. An AMS has not been agreed, and I have no substantive evidence to confirm that tree works were carried out by a competent/qualified arborist. Notwithstanding this should the AMS be satisfactory and the works deemed acceptable in terms of other requirements I would give limited weight to the lack of information relating to who carried out the works.
9. Both parties agree that trees have been removed as part of the works carried out and that there has been damage to trees on the site, however the extent of damage caused to those trees that remain is not agreed. There is disagreement on several points between parties including a tree being omitted from the supporting documents, categorisation of trees and a root protection area. Assertions have also been made within the Tree Report supplied by the appellant for instance the unlikelihood of major roots being present and the probably minimal impact on the tree in question.
10. Given the lack of substantive evidence to confirm what damage has resulted I am not convinced that the development is suitably integrated with trees and that potential conflicts have been avoided to ensure trees are protected as required by Policy GI9(3).
11. I find that the appellant has failed to demonstrate that the proposed development would not harm protected trees. There is conflict with Policy GI9 of the Local Plan and the requirements of the Framework which seeks amongst other things for protected trees to be retained and integrated with development.

Conclusion

12. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR