



Appeal Decision

Site visit made on 12 August 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/A3010/W/25/3365469

Land West of Ashley House, Sunnyside, Worksop S81 7LN

- 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 Amit Patil against the decision of Bassetlaw District Council.
 - The application Ref is 23/01413/FUL.
 - The development proposed is described as the closure of the existing private car park and the erection of three town houses with associated parking and private amenity.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the protected trees and (b) the safety of other highway users.

Reasons

Protected Trees

3. The appeal scheme includes the erection of a terrace of 3 dwellings on a predominantly surfaced site which was previously car parking associated with the adjoining Ashley Care Centre. The site is within the Sunnyside Conservation Area but the council has not identified that the proposed development would fail to meet the statutory duty of preserving the character and appearance of the area. There are no reasons to disagree with the council's assessment.
4. Along the site's boundaries are mature trees which, in addition to the statutory protection associated with trees situated within a Conservation Area, are the subject of a Tree Preservation Order (TPO). The group of trees located on the site's southern boundary would not be directly affected by the proposed development. However, Tree T3 on the site's western boundary and Tree T4 on the southern boundary would be affected by the proposed development. These trees are located within landscaped strips of varying widths.
5. Trees T3 and T4 referenced by the TPO (referred to by the appellant as trees T1 and T2) are mature sycamore trees which are visually prominent within the streetscene along Sunnyside. Accordingly, the trees make a positive contribution to the amenity, character and appearance of the streetscene.

6. The appellant's Arboricultural Consultant has assessed the condition of these trees to be, at best, category C1 with Tree T4 showing evidence of die back which was noted during the site visit. It was also noted that this tree abutts a retaining wall with a considerable level difference between the site and the curtilage of 10 Sunnyside. Tree T3 is similarly located adjacent to a boundary wall with a level difference between the site and the footway.
7. The appellant has identified that the root protection areas (RPAs) of the trees are severely compromised by their siting because of the level difference and the tarmac surface of the site. However, no specific adjustment to the potential extent of the RPAs has been made taking into account the compromising factors. The lack of such evidence is not a reason for this appeal to fail but does raise concerns about the extent of the roots within the site and whether they may be affected to a greater extent than claimed by the appellant.
8. Reference is made by the appellant to the absence of changes to the extent of the surfacing and levels around Tree T3. However, the submitted drawings indicate that the landscaped strip adjacent to the wall would be reduced in width to enable the construction of a shared driveway. Although there is commentary concerning potential changes in levels, there is no specific arboricultural assessment concerning the effect on this tree and its roots because there would be some form of ground disturbance associated with the construction of the proposed shared driveway.
9. The use of a cellular confinement system which could protect the roots of Tree T3 may be capable of providing some mitigation. However, the landscaping strip is very close to the tree itself. Based upon the available evidence, it has not been sufficiently demonstrated that such a construction system could be viable option given the proximity of any works to the tree.
10. From what could be observed and based upon the assessment provided, the felling of Tree T4 could be justified because of its condition. However, there are no landscaping proposals to indicate how the loss of this tree could be mitigated through the planting of additional trees as part of the proposed development. Such details would be appropriate at this stage to demonstrate that there is sufficient space within the site to enable trees to be planted and grow without creating pressure for their lopping or felling at a future date. This is not a matter which can be left solely to a condition.
11. On this issue it is concluded that the proposed development would cause unacceptable harm to the protected trees and, as such, it would conflict with Policy ST39 of the Bassetlaw Local Plan (LP). Amongst other matters, this policy seeks to retain, protect and improve woodland and trees subject to TPOs, and give consideration to trees both on individual merit as well as their contribution to amenity.

Highway Safety

12. From the history provided, the site was used for parking associated with the adjacent care centre but this use has ceased. Instead, the vehicles associated with care centre currently park on land to the east of the building and this use has been the subject of 2 separate planning permissions (Refs 02/92/00244 and 02/12/00049).

13. Reference is made in the Planning Officer's report to previous appeal decisions related to the erection of similar schemes on the site and the assessments made by the previous Inspectors concerning parking availability associated with the care centre. However, the details of these other schemes, including the evidence related to the availability and demand for staff and visitor parking to meet the operational needs of the care centre, have not been provided. Accordingly, this appeal has been assessed based upon the evidence which has been provided.
14. The parking surveys provided by the appellant associated with the use of the care centre identify that the number of parked vehicles does not exceed the number of off-street spaces available. Although the concerns of the council have been noted, there is no other evidence provided to demonstrate that the off-street parking spaces for the care centre are inadequate and there would be displaced resulting in parking stress along Sunnyside which could result in a danger to the safety of other highway users.
15. The council has identified that the parking provision for the proposed dwellings does not accord with the council's parking standards. A copy of these standards has not been provided but the Planning Officer's report indicates that 2 spaces should be provided for each of the proposed dwellings plus 1 visitor space. The appeal scheme does not include an off-street visitor parking space. However, it was observed during the daytime site visit that there were a number of off-street parking spaces available along Sunnyside. These could be used by visitors to the proposed development without causing an unacceptable danger to the safety of other highway users.
16. For the reasons given, it is concluded that the proposed development would not result in unacceptable danger to the safety of other highway users and, as such, it would not conflict with LP Policy ST53 which refers to proposals not compromising the free flow of traffic on the public highway or increasing the risk of accidents or endangering the safety of road users.

Conclusion

17. Although the proposed development would not cause unacceptable harm to the safety of other highway users, this matter is demonstrably outweighed by the unacceptable harm which would be caused to the protected trees. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR