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## Appeal Decisions

Site visit made on 30 July 2025

**by Bhupinder Thandi BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 12 September 2025**

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**Appeal A Ref: APP/C3240/W/25/3366698**

**42 Haybridge Road, Hadley, Telford TF1 6LT**

- 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 and Mrs Wickstead against the decision of Telford and Wrekin Council.
- The application Ref is TWC/2024/0708.
- The development proposed is described as development of 4 no. dwellings – proposed infill housing development.

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**Appeal B Ref: APP/C3240/W/25/3366735**

**44 Haybridge Road, Hadley, Telford TF1 6LT**

- 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 and Mrs Wickstead against the decision of Telford and Wrekin Council.
- The application Ref is TWC/2025/0208.
- The development proposed is described as infill housing development.

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### Decision

1. Appeal A and Appeal B are dismissed.

### Preliminary Matters

2. In respect of both appeals the descriptions of development in the headings above have been taken from the planning application forms. However, in Part E of the appeal forms it is stated that the descriptions of development have not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that revised descriptions of development have been agreed. Accordingly, I have used the ones given on the original applications.
3. I have taken the site addresses from the application forms and whilst the house numbers are different it is evident that the appeals relate to the same site.
4. Appeal A is for four dwellings and Appeal B is for three. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

### Main Issue

5. The main issue in both appeals is whether the proposed development would provide adequate living conditions for future occupiers with regard to shadowing from neighbouring trees.

## Reasons

6. The appeals site comprises an irregular shaped parcel of land located to the rear of properties fronting Haybridge Road. The site is laid out to hardstanding, used for customer parking, and contains a number of buildings of varying ages and condition. Overall, the site has a disparate appearance. The site is surrounded on three sides by established residential development. A belt of three Sycamore trees, sit beyond the site, but are located along its western boundary.
7. The appellant's Tree Report indicates that the trees are of moderate quality with an expected lifespan of around 20 to 40 years. It goes on to advise that the crown heights of the trees vary between 7m and 12m.
8. In respect of Appeal A - the Shadow Analysis contained within the appellant's Tree Shading Assessment shows seasonal variations, however, during the spring and summer months between 76%-100% of Plot 1's garden would be in shade for long periods of the day and shading greater than 50% of the garden would occur from midday until late afternoon and early evening. For Plot 2 similar levels of shading would occur between mid-morning and late afternoon.
9. Turning to Appeal B, the assessment shows that during the spring and summer months between 76%-100% of the garden would be in shadow for around 3 hours a day and 50% or greater of the garden would be in shadow from midday until late afternoon.
10. The dwellings proposed would be 2-bedroom and it is not unreasonable to assume that they would be occupied by a young family. In respect of Appeal A taking into account the reasonably compact size of the rear gardens combined with their limited depth there would be little space outside of the canopies of the trees. The gardens would be overshadowed for long periods including at times of the day that future occupiers would be likely outside including after school and work, at weekends or during school summer holidays. Whilst the garden area for the scheme under Appeal B would be more generous with more space beyond the canopies the assessment indicates that the garden area would still be overshadowed for considerable periods of the day.
11. Even factoring in the spread and height of the crowns of the trees, based on the evidence before me, I am not satisfied that the garden areas would receive an acceptable level of direct or dappled sunlight throughout the year either through or underneath the tree canopies.
12. The proposed developments would not provide high quality private outdoor amenity space suitable for a family use including sitting out, playing and socialising, on account of overshadowing from the Sycamore trees, particularly so during much of the spring and summer when one would expect future occupiers to utilise their gardens more often.
13. As the trees are not within the appellant's ownership or control, permission of a third party would need to be obtained to remove ivy from the trunks. There is nothing before me to suggest that this would be forthcoming. As such, I give this aspect of the appellant's argument negligible weight in coming to my decision.
14. Whilst British Research Establishment document BR209 provides a useful benchmark for assessing sunlight in relation to trees, it is not planning guidance or

adopted planning policy and thus the weight I afford it in this particular instance is limited. Whether a proposal would afford future occupiers adequate living conditions is essentially a matter of planning judgement based upon the merits of the case.

15. I conclude that the proposed developments would fail to provide satisfactory living conditions for future occupiers on account of the shadowing effects upon garden areas. This would be contrary to Policies SP1, SP4 and BE1 of the Telford & Wrekin Local Plan (2018) which, amongst other things, seek to provide environments that are attractive, convenient and encourage healthy living.

### **Other Matters**

16. I acknowledge that the proposed development would be located close to nearby day-to-day facilities, the layout and appearance would be sympathetic to properties locally and no technical objections were received. However, these factors individually or cumulatively do not lead me to reach a different conclusion in respect of the main issue.
17. Informal discussions prior to the application being determined is not a matter for me in consideration of the appeals.

### **Conclusion**

18. For the reasons set out above both appeals do not succeed.

*B Thandi*

INSPECTOR