



Appeal Decision

Site visit made on 28 November 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2026

Appeal Ref: APP/J4423/W/25/3369159

3 Stortholme Mews, Sheffield S10 3HT

- 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 Wallis-Keyworth against the decision of Sheffield City Council.
 - The application Ref is 25/00480/FUL.
 - The development proposed is described as retrospective planning for single storey rear extension to form lounge/dining room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council is preparing a new local plan. However, it has not completed its examination in public, and is subject to change. This limits the weight I can give any draft policies referred to in this appeal.
3. The appellant has submitted additional evidence, including additional case law, at the final comments stage of the appeal. The Procedural Guide: Planning appeals – England says that final comments may not introduce new material or technical evidence. Accepting this new material may prejudice natural justice rights of the interested parties, and the Council. Therefore, I have determined the appeal on the evidence on which the Council made its decision and the statement of case submitted with the appeal which the interested parties had an opportunity to comment upon.
4. The appellant has provided references to several appeal decisions in the statement of case. The appellant has referred to appeal reference APP/T5150/D/13/2208946 (Brent) within the evidence however upon request of this decision provided APP/T5150/D/13/2201504. As this appeal differs to that cited within the evidence, accepting this information may prejudice the interests of interested parties, who have not had the opportunity to consider them. Therefore, I have not taken these appeal decisions into account when reaching a decision on the appeal.
5. I have invited comments from the main parties regarding my duty under s72(1) of the Listed Building and Conservation Areas Act (1990) (as amended). Comments from both main parties have been provided which I have considered.

Main Issue

6. The Council found no harm from the extension to the character and appearance of the area, and I have no reason to disagree. Therefore, the main issue is the effect of the development on the character and appearance of the Ranmoor Conservation Area (CA) having particular regard to the effect of the raised terrace on the health of the protected Oak tree (TPO 808-444 T3).

Reasons

7. The appeal site is a property located off Stortholme Mews a cul-de-sac off Gladstone Road. The appeal site is a mid-terraced property and Graham Road runs along the rear boundary of the property. Graham Road and Gladstone Road have a sylvan and leafy character enhanced by the large number of mature trees situated in back gardens that back onto the surrounding roads.
8. The appeal site is located within the Ranmoor CA, therefore, in accordance with my duty under s72(1) of the Listed Building and Conservation Areas Act (1990) (as amended), I have had regard to the CA as a designated heritage asset. The CA derives its significance from the low density of its development, and pattern of medium or large houses, often set in spacious grounds, an overall landscape in which planted gardens including mature trees make a significant contribution.
9. A mature Oak tree is located at the back of the garden between the property and Graham Road. The Oak tree is described in the Arboricultural Report¹ as an early-mature Category B specimen with a life expectancy of between 20-40 years. It measures around 17m in height with an approximately 650mm stem diameter. The tree is protected by a Tree Preservation Order. The appellant's appeal statement states that the tree is partially visible and not prominent from public vantage points. However, the Arboricultural report states that the tree is relatively prominent from adjacent roads and gardens and as such it has good visual amenity. Based on my observations on site, the tree is located near to the corner of Graham Road and Gladstone Road and is in an elevated and prominent position and makes a positive contribution to its surroundings and the CA.
10. The development is retrospective and is for a single storey rear extension together with a raised terrace. The raised terrace is located approximately 0.5m from the trunk of the Oak tree.
11. The relevant British Standard² gives recommendations and guidance on the relationship between trees and design, demolition and construction processes. It describes the root protection area (RPA) of a tree as a layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. Beyond the appeal site, a substantial portion of the RPA of the Oak already contains a small road, a footway, kerbs and a retaining wall. The raised terrace occupies a further, significant portion of the RPA of the tree. From my inspection, the amount of hard surfacing in the RPA of the tree, albeit outside the appeal site, is greater than the 20% proportion recommended in the Standard, and some of that may have already compacted the roots of the tree.

¹ Arboricultural report AWA tree consultants ref: AWA6629 May 2025

² British Standard BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations

12. From the photographic evidence provided, the rockery area appears to have been further away from the tree than the raised terrace, therefore, more of the root protection area was free of level change prior to the construction of the terrace. I have insufficient evidence before me to adequately demonstrate that the rockery was causing significant harm to the root system of the tree, reducing its ability to take up water, air and nutrients. However, the evidence indicates that there may have been a historic level increase as no stem flare was visible near the base of the tree when it was inspected for the arboricultural report.
13. A risk analysis report from the appellant sets out information relating to the current condition of the tree and survival risk of the tree following historical and recent interventions. The report explains that in 2021 the tree was observed growing under suboptimal conditions and that a 30-tonne load of gritstone aggregate was removed from the appeal site, together with competing vegetation. Several other measures were carried out to aid the longevity of the tree.
14. These included mulching, and a subsurface irrigation system which has been installed to promote soil health and moisture regulation.
15. The risk analysis report suggests that the measures taken have reduced the risk to the tree, and others such as the construction of the raised terrace have had a neutral impact on the risk to the health of the tree, as it created an even weight distribution on the RPA. The appellant's evidence demonstrates that the measures put in place have offered some benefit and that the tree is currently in good health, withstanding weather and climate with no adverse impacts presently noted. However, damage to a tree's root system can take several years to fully manifest in the crown. Therefore, as the terrace has been in place for a relatively short amount of time, it is unclear as to whether damage to tree roots has taken place either during the building works themselves or during the removal of large quantities of heavy aggregate from the site.
16. The raised terrace sits over a significant portion of the RPA of the tree, which is a substantial portion of the remaining 'undeveloped' part of the RPA. The completed raised terrace has a substantial volume and is around 0.5m in height at the point closest to the tree at around 500mm away. The British Standard states that soil that has been compacted will not provide suitable conditions for the survival and growth of vegetation whether existing or new, and is a common cause of post-construction tree loss on development sites. Compacted soil, it says, will adversely affect drainage, gas exchange, nutrient uptake and organic content, and will seriously impede or restrict root growth.
17. Furthermore, it says that to avoid damage to tree roots, existing ground levels should be retained within the RPA. Intrusion into soil (other than for piling) within the RPA is generally not acceptable, and topsoil within it should be retained in situ.
18. I have taken into account the composition and depth of the terrace with layers of mixed aggregate, topsoil, mortar bed and turf with perimeter paving, as well as the micro-irrigation. However, this does not avoid the compacting effect of the weight of the terrace on the RPA of the tree, particularly aeration, and the long-term effect of this on the health of the tree.
19. Given the already reduced area of the RPA of the tree, the compacting effect of the raised terrace will likely lead to the demise of the tree, and ultimately its removal. This removal would have a harmful effect on the amenity it contributes to

the area and the sylvan character it underpins. The loss of the tree would dilute the important contribution that mature trees make to the significance of the CA. The development fails to preserve the character and the appearance of the CA.

20. I note that mitigation has been put forward including the use of products to enhance soil structure, microbial habitat, improved root absorption and symbiosis support, in the areas of soil around the tree. However, because only a narrow strip of undeveloped land remains to impose such mitigation, I do not have sufficient evidence to demonstrate how effective these treatments would be in this context, into the future. Even with the subsurface irrigation system in place. I am therefore not persuaded that they would adequately mitigate the potential future harm to the tree or prevent a reduction in its longevity arising from the presence of the raised terrace.
21. Having regard to the extension and raised terrace. These are well concealed to the rear of the appeal property are proportionate to the host dwelling, and the materials are acceptable in the CA. Therefore, I am satisfied that the extension and raised terrace preserve the character and appearance of the CA.
22. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to an asset's conservation. In this case I find that the eventual loss of the tree would lead to less than substantial harm to the significance of a designated heritage asset. I consider that the level of harm would be at the lower end within the less than substantial harm category.
23. To conclude, because of the effect of the raised terrace which threatens the health of the tree and which will lead to its early demise, the development goes against the guidance set out in BS 5837:2012 which sets out the importance of root protection areas for the health of trees. It does not preserve or enhance the character or appearance of the CA, when considered as a whole. The development does not accord with Policies H14, GE11 and GE15 of the Sheffield Unitary Development Plan, which in combination require developments to comply with policies for the built and green environment as appropriate, protect and enhance the natural environment including measures to reduce any potentially harmful effects of development on natural features of value, and trees will be protected by requiring developers to retain mature trees wherever possible.
24. For the above reasons, the development also runs against the National Planning Policy Framework (the Framework) which recognises the important contribution that trees make to the character and quality of urban environments.
25. In accordance with paragraph 215 of the Framework this harm should be weighed against the public benefits of the proposal, which I will consider later in the overall planning and heritage balance.

Other Considerations

26. Having regard to the single storey rear extension, the Council has not objected to this element of the development, however, the extension appears to occupy a small part of the RPA, I have no information on the acceptability of the single storey extension in relation to the RPA, including the method of construction. Therefore, if I were not dismissing the case based on the raised terrace, I would have sought the main parties' views on the effect of the extension on the RPA.

27. I have been provided with an appeal decision which is related to the provision of a wall within the root protection area of several trees. Whilst the appeal was allowed, the Inspector concluded that given the proximity of the proposed wall to the trees there would inevitably be significant loss and damage to the roots of the trees and the vitality and health of the trees. However, in that case, the Inspector concluded that the harm due to the loss would be compensated by the mitigation through landscaping and the construction of the proposed King Post wall which would provide a visual improvement. Accordingly, this case is not directly comparable to the case before me.
28. I have also been provided with an appeal decision which refers to street trees, however in this appeal the Inspector states that the extension would be close to a tree, although the root protection area for the tree is likely to lie outside of the appeal site, and concluded that no harm would come to the trees as a result of the development. Accordingly, this case differs from the appeal before me, due to the proximity of the root protection area to the development, and therefore does not affect the conclusion I have reached on the main issue in this case.
29. The appellant has referred to appeal reference APP/TPO/C5690/W/16/3156273 (Stevenage Borough Council) in the evidence, however following a request for information, APP/N1730/W/16/3156273 from Hart District Council has been provided, therefore due to the doubt regarding the appeal decisions cited and their relevance to the scheme before me, I am unable to make meaningful comparisons between the referenced appeal and the appeal before me, therefore they do not affect my conclusions on the main issue.
30. The appellant has raised concerns regarding the conduct of the Council including in the handling of the planning application. However, this is not a matter for me to consider as part of this appeal. I have determined the appeal based on the planning merits of the development.
31. An interested party has made representations regarding the effect of the extension on the living conditions, particularly the privacy of the neighbouring property at No.1 Stortholme Mews. I have been provided with photographs of the extension from the bedroom windows at the rear. Whilst the extension is within close proximity to the neighbouring property, the proposal does not include a traditional balcony, but a parapet roof design and Juliet balconies. Therefore, I am satisfied that this roof is not for the enjoyment of the property. This together with the modest depth of the extension, and boundary treatments, I am satisfied that the proposed single storey extension would not affect the living conditions and specifically the privacy of the neighbouring property.
32. Concerns have been raised by the interested party regarding the works taking place without the benefit of planning permission, whilst this is the case, in reaching my decision, I have assessed the scheme on its planning merits only.
33. In addition, concerns have been raised regarding the structural integrity of the development. This is a private matter between the parties in this case, therefore this does not affect the conclusion I have reached.

Planning and Heritage Balance

34. A public benefit put forward relates to biodiversity enhancement measures including the planting of Himalayan birch and planting a hedgerow with Ivy and Holly maintained, and Yew and Beech introduced, some of which has taken place. These measures would improve biodiversity, be beneficial, and would be supported by paragraph 180 of the Framework. However, this benefit would attract only modest weight due to the small amount of garden remaining to carry out planting.
35. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
36. The development provides a level space outside of the property which allows safe disabled access from the indoor to outdoor space for the enjoyment of the garden and the wellness and benefits associated with the space. The negative effect of dismissing the appeal is that the occupant may not be able to enjoy the garden and its associated benefits if the raised terrace were not in place, due to difficulty of access and land levels. I consider however, that a smaller terrace or one of a different method of construction or materials could achieve similar access to amenity but with less risk of harm to the tree, therefore that some form of access to the garden could be achieved.
37. I have had due regard to the evidence regarding the circumstances of the appellant's relative and having regard to my duty, the relevant caselaw³ and Government advice⁴ cited by the appellant in relation to the PSED. The harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons and fostering good relations between them and others. Whilst the development would be a practical solution for the family, this matter would be a private benefit rather than a wider public benefit and therefore would only attract modest weight.
38. Taken together the public benefits are limited and do not outweigh the harm identified to the CA, which should be attributed considerable importance and weight in the overall planning balance.
39. The development does not accord with Policies H14, GE11 and GE15 of the Sheffield Unitary Development Plan. There is harm to the protected tree and to the character and appearance of the CA. It follows that, the benefits of granting planning permission do not outweigh the harm identified.

³ Bracking v Secretary of State for Work and Pensions [2013] EWCA Civ 1345
R (Alker) v Warrington Borough Council (High Court, Admin, 2007)
Zeb v London Borough of Waltham Forest [2017]

⁴ Our Future Homes: Housing that promotes wellbeing and community for an ageing population, referred to in appeal statement as 'ageing in place' strategy.

Conclusion

40. 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. For the reasons given above the appeal is dismissed.

N Duff

INSPECTOR