
Appeal Decision

Site visit made on 24 January 2012

by **Mick Boddy F Arbor A FICFor CEnv**

an Arboricultural Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **10 FEB 2012**

Appeal Ref: APP/TPO/E2530/2274

40 North Road, Bourne, Lincolnshire, PE10 9BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent for the felling of three lime trees protected by a Tree Preservation Order.
 - The appeal is made by Mr A Sparks, of 10 Galletly Close, Bourne, against the decision of South Kesteven District Council.
 - The application, No. S11/2335/TPO/APP2, dated 23 September 2011, was refused by notice dated 11 November 2011.
 - The relevant Tree Preservation Order (TPO) is the South Kesteven District Council, Bourne (40 North Road) Tree Preservation Order 1995, which was confirmed on 13 October 1995. The trees are scheduled as an element of the group G2 of the TPO.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are:
 - (i) The impact of the proposed removal of the trees on the local environment and amenity of the area.
 - (ii) Whether or not there are sufficient grounds for the removal of the three trees.

Reasons

Impact of the proposed removal of the trees

3. The limes are specimens in the early stages of maturity growing on the neighbouring land to the rear (south) of the appellant's property, set back from the boundary fence by approximately 1.3 metres. The land upon which the trees are growing is currently being developed.
4. The western tree is the smallest of the three, this being relatively slender, and the eastern tree the largest, standing around 13 metres tall. The crowns of the three trees merge and the clearance beneath their canopies is approximately 4 metres.

5. There is a divergence of opinion between the Council and the appellant as to the extent that the lime trees are visible from adjacent public roads. Following the site visit, I therefore sought to establish where they can actually be seen from. Only the upper sections of the trees' crowns are visible over the roof of the property from the eastern end of Galletly Close. The trees can be seen from North Road to the west but only from specific view points, however, they are fully visible from the car park to the rear of the doctors' surgery at 40 North Road. The trees can also be seen from the northern end of Maple Gardens to the south.
6. Whilst not highly prominent individuals, I find that the lime trees do afford an appreciable degree of public visual amenity and, along with the remaining protected trees on the site, are locally significant. I am also mindful of the duty imposed upon local planning authorities under the Town and Country Planning Act to ensure they make provision for the preservation of trees when granting planning permission.
7. I do not consider that the absence of trees to the rear of the adjoining property, 12 Galletly Close, or along the eastern boundary of the neighbouring site affords any support for the proposed removal of the lime trees.
8. In relation to this first issue, I consider that the proposed removal of the three trees would have a detrimental impact on the local environment in visual amenity terms and is therefore undesirable. Accordingly, I take the view that the trees should only be removed if there is overriding justification for this course of action.

Reasons put forward for the proposed works

Shading

9. The principal reasons put forward for the proposed removal of the trees are shading and restriction of light to the rear garden.
10. The garden is approximately 15 metres wide by 14.5 metres deep and relatively level. As stated above, the trees are located around 1.3 metres beyond the southern boundary and are up to 13 metres tall. Accordingly, the trees will cast an appreciable amount of shade over much of the garden for a proportion of the day. However, whilst I sympathise with the appellant, I do not consider that under the current circumstances the impact of the trees is sufficiently overbearing to warrant their removal and that the alternative measures of managing the limes by pruning have not been exhausted.

Previous tree removal in the area

11. In the absence of any details, I am unable to consider the matter of trees previously being removed from the rear of the doctors' surgery on North Road.

Conclusions

12. In view of my decisions on the main issues, I have concluded that there is currently insufficient justification for the removal of the lime trees and therefore dismiss the appeal.

Mick Boddy

Arboricultural Inspector



Appeal Decision

Site visit made on 24 January 2012

by **Mick Boddy F Arbor A FICFor CEnv**

an Arboricultural Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2012

Appeal Ref: APP/TPO/E2530/2206

North House, Casewick, Stamford, Lincolnshire, PE9 4RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent for the felling of a beech tree (T24) protected by a Tree Preservation Order.
 - The appeal is made by Mr S Kent, against the decision of South Kesteven District Council.
 - The application, No. S11/2180/TPO dated 6 November 2011 (sic), was refused by notice dated 19 October 2011.
 - The relevant Tree Preservation Order (TPO) is the South Kesteven District Council, Casewick Hall Tree Preservation Order, 1977, which was confirmed on 16 November 1978.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are:
 - (i) The impact that the proposed removal of the beech tree would have on the character of the locality and visual amenities of Casewick Conservation Area.
 - (ii) Whether the reasons put forward are sufficient to justify the proposed removal of the tree.

Reasons

Impact of the proposed removal of the beech tree

3. The beech is approximately 20 metres tall and in the early stages of maturity. It is situated 1.1 metres from the side elevation of The Coach House and 6 metres from the rear corner of North House.
4. The tree is clearly visible from the public footpath that runs through Casewick Park and it is acknowledged by the appellant that it 'has merit as a public visual amenity.'

5. In relation to this first issue, I find that the beech tree affords an appreciable degree of public visual amenity and that its loss would therefore have a detrimental impact on the character of local landscape and visual amenities of the conservation area. Accordingly, I take the view that the tree should only be removed if there is overriding justification for this course of action.

Reasons put forward for the removal of the beech tree

6. The application to remove the beech tree was submitted because of the concerns of the appellant and the owner of the neighbouring Coach House, Mr Chopping, over the damage and potential injury that would be caused if the tree were to fall in strong winds. However, no evidence was submitted in support of the application to suggest that the tree is predisposed to such failure.
7. The beech tree appeared to be in good physiological condition and its general health is not in question. The application states that the tree's trunk is leaning towards The Coach House but I found it to be relatively upright, as is apparent in photograph 2 submitted with the application.
8. The tree's crown has previously been lifted and the remaining lower branches cut back to establish a reasonable degree of clearance from the adjacent dwellings. Whilst the tree is very close to The Coach House, it has not been suggested that it is damaging the property and the two seemed to be co-existing satisfactorily.
9. The appellant's concerns regarding the safety of the tree are entirely understandable given its proximity to North House and The Coach House, both of which are listed buildings. However, I could find no evidence to suggest that the tree is potentially unstable or particularly predisposed to failure. Neither do I consider there to be any foundation to the suggestion that healthy beech trees are especially vulnerable to unpredictable failure during a gale.

Conclusions

10. In view of my decisions on the main issues, I have concluded that there is currently insufficient justification for the removal of the beech tree and therefore dismiss the appeal.

Mick Boddy

Arboricultural Inspector



Appeal Decision

Site visit made on 31 January 2012

by **Michael R Moffoot DipTP MRTPI DipMgt MCMi**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2012

Appeal Ref: APP/E2530/D/11/2165725

14 Billingborough Road, Horbling, Sleaford NG34 0PD

- 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 & Mrs Richardson against the decision of South Kesteven District Council.
 - The application Ref. S11/1758/HSH, dated 19 July 2011, was refused by notice dated 23 September 2011.
 - The development proposed is to alter and extend existing dwelling (revised scheme).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.

Reasons

3. The proposed extension would be a substantial structure to the rear of this traditional detached dwelling, and its scale, form and massing would dominate the host building rather than comprise a subordinate addition. Its impact would be compounded by excessive fenestration on the south elevation, and the design would be at odds with the distinctive character of the property. As a result the scheme would seriously harm the appearance of the existing dwelling.
4. The appeal site is located on the edge of the village and the development would therefore be highly prominent in the street scene, especially when viewed from the south on Billingborough Road and Stow Lane. The extended dwelling would be wholly out of keeping with the scale of the terrace to the west, which clearly reads as four individual dwellings, and the modest house to the immediate north of the site. I acknowledge that the development would be observed against a backdrop of some relatively large properties to the north and north-west, but it would have a far greater effect on the street scene due to its proximity to the junction.
5. I conclude that the proposal would seriously harm the character and appearance of the existing dwelling and the surrounding area, contrary to Policy EN1 of the adopted *Local Development Framework for South Kesteven: Core Strategy* which sets out criteria for assessing development proposals, including the layout and scale of buildings, the quality and character of the built

fabric and visual intrusion. It would also conflict with Planning Policy Statement 1: *Delivering Sustainable Development* which encourages high quality and inclusive design that integrates successfully with the built environment and adds to the overall character and quality of an area.

6. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael R Moffoot

Inspector



Appeal Decision

Site visit made on 9 January 2012

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 January 2012

Appeal Ref: APP/E2530/A/11/2162804

85 Manthorpe Road, Grantham, Lincolnshire NG31 8DE

- 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 David Defusto against the decision of South Kesteven District Council.
 - The application Ref S10/2388/MJRF, dated 18 October 2010, was refused by notice dated 4 July 2011.
 - The development proposed is the erection of 22 apartments.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Defusto against South Kesteven District Council. This application is the subject of a separate decision.

Procedural Matters

3. I have used the description of development from the appeal form and decision notice for clarity.
4. The application was amended prior to its determination by the Council. The revised scheme, shown on amended elevations and floor plans, was publicised and the representations taken into account by the Council. No party would be prejudiced by my determining the appeal on the basis of the amended application.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and Appearance

6. Manthorpe Road, the A607, is a main arterial road linking the town centre with the north-east suburbs of Grantham and settlements beyond. The character of the road changes in the vicinity of the appeal site where the tighter historic urban grain of the town centre and its environs, which lie within the Grantham Conservation Area, gives way to lower density suburban development, including large detached properties set back from the road. On the eastern side of the road an area of parkland encroaches between the built development

providing a further different townscape characteristic, whereas on the western side development gives the impression of being more continuous, albeit with a step change in character. These distinctive character areas are recognised in the Council's *Grantham Townscape Character Assessment* (GTCA).

7. The appeal site previously contributed to the developed frontage on the western side, as a large house was located towards the southern end of the plot until it was demolished some 3 years ago. There are mature trees on the site, primarily grouped close to the site boundaries. The vegetation contributes to the sylvan character of the road north of the Lodge Way/Belton Lane junction.
8. The proposal would be a more intensive development and of greater scale compared to the detached dwellings to the north and the built-form previously on the site. However, in principle it would be acceptable to reflect the tighter urban grain and frontage development of the town centre in this area of transition. Moreover, to develop this prominent corner site with a building of some presence which does not replicate the existing scale of development to the north and west would be an acceptable approach in townscape terms. In this respect the key design principle for Character Area 06 in the GTCA about maintaining a two-storey scale is less relevant to the appeal site which is on the periphery of the suburban area. Some of the frontage trees would be lost as a result of this approach. However, sufficient landscaping would be retained to frame the new buildings and assist in softening its impact.
9. However, the depth of the two blocks, including the central outriggers, combined with their height, would be incongruous compared to other development nearby. This depth, which is reflected in the prominent end elevations, would be particularly noticeable on the approach along Manthorpe Road from both directions and from the park and Belton Lane opposite. The separation between the proposal and other development on the main road, together with the surrounding greenery and the topography would limit inter-visibility. However, despite these factors, the new buildings would still be perceived in the context of nearby development and as part of the overall street scene. The change in massing between the buildings in the Conservation Area and those on the appeal site would be too stark. Some variation has been built into the flank elevations but the design devices used would not be sufficiently successful in breaking up the mass of the elevations.
10. The design of the elevations would also be inadequate for this gateway site. The width of the gables and dormers and some of the fenestration below would be out of scale and poorly related to the locally distinctive buildings such as the listed Georgian house to the south. The roof pitches would be too shallow. There would be insufficient vertical emphasis, particularly to the main elevation facing Manthorpe Road. The opportunity to emphasise the corner and link the two blocks with a distinctive feature has not been taken. The prominent end elevations would be lacking in architectural interest.
11. I conclude that the proposal would unacceptably affect the character and appearance of the area and detract from the setting of the Grantham Conservation Area. There would be conflict with Policy EN1 of the *South Kesteven Core Strategy* (CS) as the proposal would not be appropriate to (1) local distinctiveness, (2) the existing layout and scale of buildings, and (3) the quality and character of the built fabric and its setting. The development would not integrate into the existing urban form.

12. In arriving at this conclusion I have taken into account that planning permission was given for the conversion and extension of the original building into 12 flats in 2005. However, the plans indicate that this scheme was not comparable to the appeal proposal in terms of its scale and design. The previous Inspector's concerns about the scale of the development have not been addressed satisfactorily¹. The appeal at North Parade referred to by the appellant involved two-storey flats in a different context².

Other Matters

13. The development would change the outlook from those neighbouring properties which face the site, including the nearest, No 6 Lodge Way. However, there would be sufficient separation such that the new buildings would not be overpowering or cause a significant loss of privacy to nearby residential occupiers. Comings and goings from 22 flats would not lead to undue disturbance in a residential area. The parking area would be below No 6 and could be screened. Disruption during construction would only be temporary.

14. The staggered traffic-light controlled junction of Lodge Way and Belton Lane with the A607 is not laid out to modern day standards. However, based on the evidence before me, including the response of the Local Highway Authority, the additional vehicle movements from the site would be unlikely to increase highway dangers at the junction or affect its capacity. Adequate parking would be provided within the site taking into account its relatively sustainable location.

15. I have not been provided with the development appraisal which sought to justify the lack of contributions to affordable housing, open space and education that would normally be required by Policies SP4 and H4 of the CS. However, as the appeal is being dismissed the issue is not decisive.

Conclusion

16. I have taken into account the other matters raised, including the benefits that would arise from the development of a vacant site with new housing, but these do not outweigh my findings on the main issue. For the reasons given above I conclude that the appeal should be dismissed.

Mark Dakeyne

INSPECTOR

¹ Appeal Decision Ref: APP/E2530/A/08/2072599 dated 16 October 2008

² Appeal Decision Ref: APP/E2530/A/04/1163641 dated 6 December 2005