

Appeal Decision

Site visit made on 6 January 2017

by **David Cross BA (Hons), PGDip, MRTPI**

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

Decision date: 15 March 2017

Appeal Ref: APP/A4520/W/16/3151072

Land east of 16 Barns Close, Monkton, Tyne and Wear NE32 5NY

- 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 Lawson against the decision of South Tyneside Metropolitan Borough Council.
 - The application Ref ST/0896/15/FUL, dated 2 September 2015, was refused by notice dated 15 January 2016.
 - The development proposed is erection of two-storey detached residential dwelling with single-storey detached garage and associated garden.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. There is a discrepancy between the numbering of trees as shown on the submitted site plans and that used in the Arboricultural Impact Assessment Tree Survey (AIA) dated 16 July 2015. In particular, trees T8 and T9 appear to have been transposed. The numbering also differs from that used in the Tree Preservation Order No. 294 (2013) (TPO). For the avoidance of doubt, I have based my decision on the tree numbering as used in the AIA.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the character or appearance of the Monkton Conservation Area with regard to existing trees;
 - The effect of existing trees on the living conditions of future occupiers of the proposed dwelling; and,
 - The effect of the proposal on the character or appearance of the Monkton Conservation Area with regard to the siting and design of the dwelling.

Reasons

The Monkton Conservation Area – Trees

4. The proposal consists of erecting a two storey dwelling on a roughly triangular site to the east of Barns Close. The site is located within the Monkton Conservation Area (CA) which contains a mixture of buildings dating from the seventeenth century to the present day, and which has retained a well-defined
-

- character with its rural origins still very clear. The site is located on the eastern boundary of the CA and is readily visible when entering or leaving the CA along Monkton Lane with views provided across an open grassed area.
5. A previous proposal for a dwelling on the site was dismissed on appeal in August 2014¹. One of the reasons for dismissal related to the direct and indirect impacts on trees within the CA and the resulting impact on the character and appearance of the CA. In response to this previous decision, the appellant has amended the scheme to relocate the dwelling and reduce its size. He has also commissioned the AIA to assess the health and condition of trees in the vicinity of the appeal site and assess the impact that the proposal may have upon them. As part of the development it is proposed to remove three trees adjacent to the northern boundary of the site, which are identified in the AIA as T8, T9 and T10.
 6. Trees T8 and T9 are part of a group of sycamores which also contains Tree T7 (which would be retained). The AIA states that due to the close proximity of these trees they are showing evidence of stem taper, suppressed branch growth and asymmetric canopies. It goes on to state that the removal of T8 and T9 would increase the life expectancy of T7 which is identified as being of local visual importance. However, I saw on my site visit that both T8 and T9 make an important contribution to the character and appearance of the CA as they screen the modern development of Barns Close from views within the CA. The removal of T8 and T9 would open up views of Barns Close and the appeal site from one of the main entrances into the CA and would therefore detract from the character and appearance of the CA.
 7. I am mindful that the AIA states that the removal of T8 and T9 would potentially increase the life span of T7. However, even with more vigorous growth, it was apparent on my site visit that T7 on its own would not provide the degree of screening currently afforded by T8 and T9.
 8. Tree T10 is a sycamore which is one of a group of trees growing to the north of the site. I note that the AIA states that it is not a good specimen with a limited life span. However, this tree does contribute to the overall canopy of the group of trees around the site and in particular has a softening effect on views of the site from within the CA due to its location on the northern site boundary.
 9. The importance of these trees is emphasised by their inclusion in a TPO dating from 2013, which the Council state was made due to the positive contribution of the trees to the character of the CA. I have also had regard to the Council's statement that no serious health, safety or structural reasons to justify the felling of these trees has been identified. I also note that the AIA refers to replacement planting in association with the removal of these trees to enable continuity of the existing visual amenity provide by these trees. Whilst replacement planting could potentially be addressed by a condition, no indication has been provided to me as to how this could be achieved with regard to land ownership issues and without affecting the living conditions of residents of the dwelling.
 10. I conclude that that the felling of these trees is not justified and that their removal would fail to preserve the character and appearance of the CA. The proposal would therefore conflict with Policy DM1 of the South Tyneside Local

¹ Appeal ref: APP/A4520/A/14/2217594

Development Framework: Development Management Policies 2011 (DMP) which seeks to ensure that development is sensitive to its surroundings and protects soft landscaping including trees. It would also conflict with Policy DM6 of the DMP which seeks to protect Conservation Areas, including their distinctive open spaces. These policies are broadly consistent with the National Planning Policy Framework (the Framework) which seeks to conserve and enhance the historic environment and secure the integration of development into the natural and historic environment.

11. The proposal would also conflict with the advice of Supplementary Planning Document 17: Monkton Conservation Area Management Plan (SPD17) which states that development should, amongst other things, retain trees within the CA and respect views into and out of the CA.

Living Conditions

12. I saw on my visit that the site is relatively constrained, and that the proposed dwelling would be located in close proximity to the site boundary and adjacent trees. The main garden area and outlook from the sitting room and one of the bedrooms of the dwelling would be to the east, which would be affected by the proximity of nearby trees – particularly T12 and T21, as well as T10 which is proposed for removal. The garden and the specified rooms would therefore be affected by loss of light and overshadowing from the tree canopies which would give the dwelling a dark and gloomy character, as referred to in the previous appeal decision for the site.
13. I note that the layout of the dwelling has been amended in comparison to the previous appeal scheme to incorporate further windows in the north and west elevations of the dwelling to increase the amount of natural daylight entering the dwelling. However, due to the constraints of the site and the extent of the tree canopies, overshadowing of the dwelling and garden would still occur. Furthermore, I note that the three trees proposed for removal outside of the site boundary are not within the control of the appellant and there is no certainty that their removal could be achieved. I am also mindful that the area to the north is not within the appellant's control, so the retention of this open aspect cannot be relied upon.
14. Whilst potential residents would be aware of the positions of trees, the implications of living next to extensive tree canopies would not be fully appreciated until occupation. I consider that this would raise undue pressure in the future for further works to the trees or potential removal, which would exacerbate the harm identified previously in relation to the loss of trees.
15. I conclude that the restricted nature of the site and the overshadowing from tree canopies would result in unacceptable living conditions for future residents of the property due to overshadowing and loss of light. The proposal would therefore conflict with policy DM1 of the DMP which states that development should be acceptable in relation to any impact on residential amenity. This policy is broadly consistent with the Framework which seeks to ensure a good standard of amenity for future occupants of land and buildings.

The Monkton Conservation Area – Siting and Design

16. The site is adjacent to an area of open space which the CA Character Appraisal identifies as making a positive contribution to the character and appearance of

the CA and which also makes reference to the backdrop of thick trees and stone walls. The dwelling would project into this vista and would represent the intrusion of the built form of the village into this open area which is currently viewed against a backdrop of trees. Whilst trees would still be visible behind the dwelling, the siting of the proposed dwelling particularly when combined with the proposed loss of trees to the north of the site would detract from the character and appearance of the CA.

17. The use of white render and Welsh slate as the main materials for the dwelling would reflect buildings elsewhere in the CA. Similarly, the scale of the dwelling is not out of character with adjacent residential development. However, these matters would not overcome the harm arising from the siting of the dwelling identified previously.
18. Notwithstanding my comments in relation to design, I consider that the siting of the dwelling would fail to preserve the character and appearance of the CA. The proposal would therefore conflict with Policy DM1 of the DMP which seeks to ensure that development is sensitive to its surroundings and where possible enhance its local surroundings and reinforce local identity. It would also conflict with Policy DM6 of the DMP which seeks to protect Conservation Areas, including their visual appearance and contextual importance. These policies are broadly consistent with the Framework which seeks to conserve and enhance the historic environment. The proposal would also conflict with the advice of SPD17 which states that development should, amongst other things, respect views into and out of the CA.

Other Matters

19. I have taken into account that the site is currently untidy and overgrown. Furthermore, the proposal would replace a dilapidated close boarded fence on the northern boundary with a low stone wall, which would be a positive contribution to the character and appearance of the area. Also, I acknowledge the conclusion of the AIA that removal of trees T8 and T9 would increase the life expectancy of tree T7. However, these circumstances are not sufficient to outweigh the harm that I have identified. In particular, whilst the harm to the significance of the CA would be less than substantial, I consider that the public benefits of the proposal would not outweigh the identified harm.
20. I have also taken into account other concerns raised locally relating to the effects on the number of traffic movements, parking, window materials, land ownership, the maintenance of the site and the use of the land for allotments. However, consideration of these matters has not led me to a different conclusion on this appeal.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR