



Appeal Decision

Site visit made on 6 August 2019

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/F4410/D/19/3229482

1, Warren Close, Warmsworth, Doncaster DN4 9PY

- 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 Mrs Anne Grimshaw against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 19/00136/FUL, dated 21 January 2019, was refused by notice dated 11 March 2019.
 - The development proposed is to build a double detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - The effect of the proposed development on protected trees.

Reasons

Character and appearance

3. No.1 Warren Close is a detached house located on the entrance to a small cul-de-sac of modern detached properties. The site is approached via Church Rein Close, a residential estate of similar houses. The appeal site is a grassed area which is open to the road and adjacent to the appellant's house. The rear fenced garden boundaries of properties on Tenter Lane back on to the site.
4. The double garage would front on to, and be accessed from, the existing drive of no.1. It would have a hipped roof design with a roughly square plan and would be located close to the side boundary fence. The mature trees and shrubs of the rear adjacent gardens would provide a backdrop for the structure and the retained area of grass to the side of the garage would maintain space around the side gable wall. I find that the siting and design, existing mature planting and the maintenance of open space to the gable end wall would be sufficient for the garage to relate acceptably to its surroundings.
5. Consequently, I consider that the proposed garage would not harm the character and appearance of the area and would accord with the requirements of Policy CS14 of the Doncaster Council Core Strategy 2011-2028 adopted May

2012 Doncaster Local Development Framework which supports high quality design that contributes to local distinctiveness and Doncaster Council Development Guidance and Requirements: Supplementary Planning Document (July 2015) (SPD) which seeks to protect the quality of local environments and the National Planning Policy Framework.

Trees

6. The tree survey¹ submitted with the appeal confirms that there are four trees covered by a Tree Preservation Order (TPO) within the garden areas adjacent to the site. The report confirms that trees T3 and T4 will not be impacted by the location of the garage.
7. The prunus tree (T1) located in the garden area of 39 Tenter Lane sits close to the boundary. The tree survey confirms that T1 is one metre from the joint boundary and that just about one third of the tree's identified root protection area (RPA) would be affected by the siting of the garage. A foundation design to mitigate for the location of the garage in the RPA is recommended in the survey however, I note that although this foundation detail is recommended the tree would still need to be monitored for signs of ill-health.
8. T1 is an attractive specimen and contributes appreciably towards its surroundings. This is recognised by its inclusion in the TPO. The proximity of the garage to the tree would substantially reduce the amenity value of the tree in views from Warren Close and on the approach to the site from Church Rein Close. Further, the canopy spread of the tree markedly overhangs the site and would overhang the roof of the garage. As a consequence, there would be future pressure for the tree to be lopped, topped or felled. This would further reduce its amenity value.
9. T2 is identified as a Leyland Cypress that has been cut back and managed as a shrub. The owner of the adjacent property has indicated their intention to remove the tree and therefore the survey does not consider this tree in any detail. It is not for me to prejudge the outcome of an application to remove the tree but given my conclusions with regard to T1, I have not found it necessary to consider the effect of the development on tree T2.
10. I conclude that the proposed garage would have an unacceptable effect on the amenity value of the protected Prunus tree, T1. As such, it would not comply, in this regard, with 'saved' Policy ENV 59 of the Doncaster Unitary Development Plan adopted July 1998 and Policy CS16 of the Doncaster Council Core Strategy 2011-2028 adopted May 2012 Doncaster Local Development Framework which seek to protect and retain trees.

Other Matters

11. I note that the appellant's property does not currently benefit from a garage however the property has two parking spaces that would accommodate vehicles off the highway. Further, the appellant's concern about crime and disorder is not supported by any evidence and I cannot attach weight to this.
12. I have taken into account the letters of support from neighbours, but these do not affect my findings in relation to the protected tree.

¹ Tree Survey BS5837:2012 ELM Ecology dated May 2019

Conclusion

13. The proposed garage would not be harmful to the character and appearance of the area. However, it would have an unacceptable effect on the amenity value of protected tree T1. This harm weighs significantly against the proposal. I have considered all the matters that have been raised, but these matters would not outweigh the harm I have found. For these reasons, the appeal should be dismissed.

Diane Cragg

Inspector