

area of the house would remain broadly the same with the existing garage and first floor side extension demolished and replaced with a two storey side extension, alterations to the rear and the addition of a ground floor side extension. Having considered the alterations proposed, I find that they would not result in disproportionate additions over and above the size of the original dwelling and as such the development would be 'not inappropriate' development in the Green Belt.

7. Policies GBC1, ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review (adopted 2007) 'LP' are most relevant to extensions and alterations to dwellings. The requirements of ENV1 are met in my view. However, policy ENV6 sets out a number of criteria that the proposal would not fulfil as the character of the existing dwellinghouse would not be readily discernible after alteration and the roof profiles would be flat. I refer to this conflict with policy below.

*Openness of the Green Belt*

8. Maintaining the openness of the Green Belt is one of its essential characteristics. Whilst there would be some small increase in the footprint, the Council indicate that the proposal would not materially harm the openness of the Green Belt in this location and I agree with that conclusion.

*Other Considerations*

9. The remodelling of the dwelling would bring about a clear change in the appearance of the building. However, the altered building would be of a similar scale to many in the area, it would respect the building line in the immediate neighbourhood and to that extent it would fit in with the pattern and grain of development in the area.
10. From my site visit I noted that there is no dominant architectural style in Tewin Wood or Burnham Green. I noted the property at 29 Firs Walk which is a contemporary design with some parallels to the proposal. Notwithstanding that the proposal would not reflect the identity of its local surroundings and history and would not closely reflect local distinctiveness, the NPPF does not seek to prevent or discourage appropriate innovation and does not seek to impose architectural styles or tastes on developers.
11. Overall, whilst the architectural identity of the original host dwelling would be difficult to discern, I do not consider that there would be harm to the character or appearance of the area overall. Policy ENV6(a) requires that extensions should be a complementary design and choice of materials to the original building and in this case given the major changes proposed that would not be met. Similarly, clause (d) of ENV6 discourages flat roofs unless they would fit in with the character of the original dwelling and in this case the character would be so altered that (d) would not be met. Consequently, there would be some conflict with Local Policy.
12. Turning to the detailed design of the proposal, the proposed front elevation would retain the existing basic form of the house to the extent that it has two elements which project from the main front elevation. There would be a variation of materials, colours and layering which would prevent it being bland. To my mind there is sufficient articulation in the front elevation.

13. The proposed roof heights would vary slightly across the main front elevation and the side addition on the southern flank would be single storey. I consider the massing would be reasonably typical of contemporary buildings and do not agree that the design would appear truncated.
14. The inclusion of a substantial number and expanse of windows in the elevations would maximise the prospects of daylight and sunlight reaching rooms in the buildings and I would reasonably anticipate that less energy would be needed to heat the building than is needed at the current time.
15. The proposed side extension on the northern flank would come closer to trees within the curtilage of the property which are subject to a woodland Tree Preservation Order (ref.410-W1). However, from my site visit I noted that the distances from the canopy and likely root systems of the nearest trees were such that conditions aimed at protecting trees during construction would overcome any potential harm to the trees. A suitable condition is therefore imposed.

### **Overall Balancing**

16. Whilst there would be some conflict with policy ENV6 of the Local Plan, the proposal would be 'not inappropriate' development in the Green Belt and would not materially harm the openness of the Green Belt. It is likely to result in a more energy efficient dwelling. Overall I consider that any harm is outweighed by the benefits of the development and that conditional planning permission should be granted.

### **Conditions**

17. I have considered conditions in the light of advice in the NPPG and the Council suggested some conditions in the event that the appeal succeeded. I have imposed a condition tying the development to the plans that have been submitted, in order to achieve certainty and proper planning. In order to protect the continuing amenity value, health and stability of trees on the site I have attached a condition aimed at safeguarding the trees during construction. It was not necessary to prolong that period of safeguarding beyond the end of construction, in my view and one condition relating to protection of trees/hedges is appropriate in this case.

### **Conclusion**

18. Having taken into account all representations made, I allow the appeal.

*Megan Thomas*

INSPECTOR



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## Appeal Decision

Site visit made on 16 December 2015

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

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

Decision date: 19 January 2016

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**Appeal Ref: APP/TPO/J1915/4723**

**5 Applegate, Sawbridgeworth, Hertfordshire, CM21 0DR**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent for the pruning of three pine trees protected by a Tree Preservation Order (TPO).
  - The appeal is made by Mr Peter Hehir against the decision of East Herts Council.
  - The application, Ref. P/TPO 190 542128, dated 16 April 2015, was part approved and part refused by separate notices issued on 17 June 2015.
  - The element of the proposed pruning for which consent was refused and is subject to appeal is: *'Reduce branches overhanging car parking spaces by up to 3 metres in length to a height of 15 metres from ground level.'*
  - The relevant TPO is the East Hertfordshire District Council (No.3 London Road, Sawbridgeworth) Tree Preservation Order (No.15) 1979, which was confirmed on 27 November 1979. The pine trees are scheduled as constituents of group G1 of the TPO, which predates the construction of the appellant's property.
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### Decision

1. I allow the appeal in part and grant consent for a reduction of the overhanging sections of the trees' crowns but to a lesser extent than applied for and subject to the following conditions:
  - (i) The work for which consent is hereby granted shall be implemented within two years of the date of this decision.
  - (ii) The pruning for which consent is hereby granted shall be restricted to:
    - Tree 1: The cutting back of the low branch extending in an approximately north-easterly direction, into a low branch in the central tree, by approximately 2 metres.
    - Tree 2: The cutting back of the two lowest branches, extending approximately to the north and north-east over the parking area, by up to 3 metres.
    - Tree 3: The cutting back of the two principal heavy branches, extending in an approximately north-easterly direction towards the house, by up to 3 metres.

- (iii) The work for which consent is hereby granted shall be carried out in accordance with British Standard BS3998:2010 Tree work – Recommendations. Specifically, the final pruning cuts shall be made distal to a union or group of unions where one or more healthy lateral branches bear enough foliage to sustain the parent branch. If there is only one such union near the intended cut, the lateral branch should have as large a diameter as possible (i.e. at least one-third and preferably more than half of that removed portion).

### **Preliminary Matters**

2. Whilst one of the decision notices grants consent for the widespread cleaning of the trees' crowns to remove dead, dying and damaged branches, it goes on to state that consent is not actually required for this work.
3. For consistency and ease of cross-referencing I have referred to the trees as shown on the plan submitted with the application, on which they are numbered 1-3 working from west to east (the TPO originally scheduled four trees in the group but only three now remain).

### **Main Issues**

4. I consider that the main issues in this case are:
  - (i) The impact of the proposed pruning on the appearance of the pine trees.
  - (ii) Whether the reasons put forward are sufficient to justify the proposed pruning works.

### **Reasons**

#### ***Impact of the proposed pruning***

5. The appellant's property forms part of a small, modern residential development to the west of London Road and north-east of Burnside. It is accessed from a shared drive off Brook Lane, which runs parallel with Burnside.
6. The appeal trees are three mature Austrian pines growing in a closely spaced row flanking the south-western boundary of the frontage of the property, adjacent to the gravelled entrance drive and parking area.
7. The dominant tree is the central pine tree 2, which I estimated to be around 22 metres tall. This tree is set back from the edge of the drive by approximately 2.8 metres and its crown extends to the north-east by around 7 metres.
8. The north-western tree 1 is shorter and overtopped by tree 2. Given its position on the end of the row, the branches on the northern and north-eastern sides primarily overhang the access drive rather than the parking area.
9. The south-eastern tree 3 is overtopped and suppressed by the central pine (2), and is much shorter. Its crown is heavily asymmetrical with two substantial lateral branches, of approximately 8 metres in length, extending to the east towards the front of the house.

10. I agree with the Council's statement that significantly reducing the crowns of the pines would lower the public amenity value afforded by the trees. However, the proposed pruning is limited to the reduction in the length of branches up to a specified level on the north-eastern side of the trees' crowns only, which will not affect the appearance of the pines when viewed from the principal public viewpoints. I therefore take the view that the negative impact on the appearance of the trees and the public amenity they afford would be insufficient to preclude the proposed pruning, subject to sufficient justification having been demonstrated for this work.

***Reasons put forward for the proposed pruning***

11. The pruning is proposed to address the level and impact of debris from the trees and droppings from birds alighting in their crowns falling onto the drive below (and cars parked thereon), and needles and cones from the pines blocking the gutters of the house.
12. The decision notice refusing consent for the reduction of the overhanging branches asserts that the proposed works will not alleviate the reported problems, as there are branches of the same length at a higher level that overhang the parking area. This is acknowledged to be the case by the appellant, who states in the grounds of appeal that the objective is to reduce the problems rather than completely solve the issues identified.
13. Having carefully considered the issues raised by the appellant, I find there to be sufficient justification for some pruning to reduce the current negative impact of the pines. However, given the difference in the size of the trees, their branching habit and relative positions, I am of the opinion that the extent that each should be pruned should be varied and have conditioned this accordingly.

**Conditions**

14. In accordance with my decision, I have imposed a condition more precisely detailing the pruning for which consent is granted and restricting the extent of this to less than that originally applied for.
15. To ensure a satisfactory standard of work and minimise the negative impact of the pruning, I have imposed an additional condition stipulating that the pruning should be undertaken in accordance with the British Standard BS3998:2010.

**Conclusions**

16. On the basis of my decisions on the main issues, I find some pruning of the overhanging branches of the pines is justified but not as specified in the original application. Accordingly, I have allowed the appeal in part and granted conditional consent for less extensive and more precisely targeted pruning.

***Mick Boddy***

Arboricultural Inspector