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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/09/18

gan Richard Duggan BSc (Hons)  
DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 10/10/2018

## Appeal Decision

Site visit made on 18/09/18

by Richard Duggan BSc (Hons) DipTP  
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 10/10/2018

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**Appeal Ref: APP/V6945/A/18/3207337**

**Site address: Osborne House, Newport Road, Llantarnam, Cwmbran NP44 3DJ**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- 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 McCafferly against the decision of Torfaen County Borough Council.
  - The application Ref 17/P/0494/FUL, dated 6 June 2017, was refused by notice dated 2 February 2018.
  - The development proposed is described as 'demolition of existing redundant garage and construction of new 3 Bedroom Lodge'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and whether it would provide acceptable living conditions for the future occupiers of the proposed dwelling.

### Reasons

3. The appeal site currently comprises of a single-storey double garage located to the side of a large detached property with extensive grounds. Views of the site are dominated by an avenue of tall and mature trees which are protected by a tree preservation order (TPO). Although the trees are outside the appeal site they are located directly along the north-eastern boundary of Osborne House as a result their canopies overhang in close proximity to the roof of the single-storey garage. I also noticed there was a lot of fallen twigs and other tree related debris on the ground and on the garage roof.
  4. It is proposed to demolish the garage and replace it with a three bedroom two-storey dwelling accessed via a shared driveway. The height of the dwelling would be approximately 6.8m to the ridge meaning that works to the canopies of the nearest protected trees would be required to avoid any contact with the roof of the property.
  5. The trees along the appeal site boundary are a dominant feature in the street scene and they, along with other surrounding trees, clearly provide a great deal of pleasure
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for those living in the area in terms of their intrinsic beauty as well as for the wildlife habitat that they provide. The trees also contribute to the wider character and appearance of the area, being a number of mature tree specimens interspersed throughout this verdant residential neighbourhood. The Appellant's Arboricultural Report<sup>1</sup> states that all measures would be taken to minimise damage to the adjacent Beech trees. However, given their size, form and attractive character, undertaking works to the canopies of the closest protected trees to enable the development and to avoid conflict with the roof of the proposed house would, in my opinion, diminish the character and appearance of the street scene.

6. The Council contends that the development would not provide acceptable living conditions to the future occupiers of the house in terms of their outlook or the level of natural light entering the property. I have noted the Tree Overlap Shadow Graph within the Appellant's evidence which demonstrates that shading would only occur during the morning period. Nonetheless, given the narrowness of the appeal site it is inevitable that much of the dwelling would be sited underneath the canopies of adjacent trees which would shade the property throughout the year and would have a dominating effect on the house.
7. The scale and close proximity of the trees would significantly reduce the amount of natural light within and outside the property and would also have an overbearing impact, to the detriment of the living conditions of future occupiers. I consider that significant cutting back, removal of branches and crown thinning would be needed in order to increase natural light levels for future residents. The effect of such works, and the likely need for these works to be repeated on a regular basis in the future, would have a negative impact on the value of the trees and would significantly compromise their form and shape and reduce their contribution to the character and appearance of the area.
8. The Council also raises concerns regarding the perception of danger especially during extreme weather resulting in pressure from future residents to carry out further works to the trees or even to fell the trees, which would have an adverse impact on the character and appearance of the area. I have had regard to the information set out within the Arboricultural Report which demonstrates that the dwelling could be constructed without causing harm to the health of the trees, including the use of foundations that would take account of the root protection area thus avoiding any damage to the root system. The Tree Policy Statement also proposes a regular monthly regime to be undertaken between September and December to ensure that excess leaves are removed and that all trees adjacent to the proposal should be inspected on a 6 monthly basis to assess the condition of branches that may be affected by excessive wind conditions.
9. Be that as it may, there would continue to be a perceived danger by future residents from falling twigs, branches and other tree related debris which would lead to greater pressure to fell the trees for health and safety reasons. And I would agree with the Council that it would be difficult to restrict works to the trees, particularly if such applications were proposed within the context of resident safety or damage to property. The fact that the Appellant's Arboricultural report puts forward a fairly onerous tree management and maintenance plan reinforces my concerns that the proposed dwelling would be sited too close to the adjacent protected trees.

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<sup>1</sup> Arboricultural Report including: Tree Survey Data & Tree Constraints Plan, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement, July 2017, prepared by ArbTS – Arboricultural Technician Services.

10. Having regard to the above, I conclude that the proposed development would not provide acceptable living conditions for future occupiers of the dwelling, with particular regard to outlook and levels of natural light. The development would necessitate works to the adjacent protected trees to enable the proposed development and would result in pressure for future works, including potential felling, which would be difficult to resist given their scale and close proximity to the proposed dwelling. As such, the development would have an adverse impact on the character and appearance of the area, and would conflict with Policy BW1 of the adopted Torfaen County Borough Council Local Development Plan (2013) which, amongst other things, deals with matters of amenity and design and features of landscape importance.
11. The Council has referred me to an appeal decision which it considers is relevant to the determination of this appeal<sup>2</sup>. Although each case has to be determined on its own particular planning merits and circumstances, particularly where issues of character and appearance are involved, there are similarities in the main issues of both appeals and I consider the circumstances to be comparable. Whilst I have had regard to the conclusions of the Inspector in that appeal they have not been pivotal in my assessment of this case.
12. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
13. Based on the foregoing and having considered all matters raised, I conclude that the appeal should be dismissed.

*Richard Duggan*

INSPECTOR

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<sup>2</sup> Appeal decision reference: APP/V6945/A/17/3180192.