
MAIN CASE

Reference No: 17/00642/FUL

Proposal: Proposed 2 storey side extension and refurbishment of the existing property.

Site Address: 6 Hop Row Haddenham Ely Cambridgeshire CB6 3SR

Applicant: Mr & Mrs J Amory

Case Officer: Richard Fitzjohn, Planning Officer

Parish: Haddenham

Ward: Haddenham
Ward Councillor/s: Councillor Steve Cheetham
Councillor Mark Hugo
Councillor Stuart Smith

Date Received: 13 April 2017 **Expiry Date:** 8 June 2017

[S20]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reasons:

1. The proposal seeks to remove a Silver Birch tree which currently has an unconfirmed Tree Preservation Order placed on it. The Silver Birch tree provides a positive visual contribution to the character and appearance of the conservation area. By virtue of its current protected status which the unconfirmed Tree Preservation Order provides, the removal of the Silver Birch tree would result in the loss of a noteworthy and attractive tree which would also be to the detriment of the character and appearance of the conservation area, contrary to Policies ENV1, ENV2, ENV7 and ENV11 of the East Cambridgeshire Local Plan 2015.

2.0 **SUMMARY OF APPLICATION**

2.1 Planning permission is being sought for the addition of a two-storey side extension and front porch to the existing dwelling. The proposal also includes rendering of the external surfaces of the existing dwelling, cladding of existing outbuildings and the provision of a new driveway surface. The proposal also includes the removal of trees within the site, including a Silver Birch tree which is currently protected by an unconfirmed Tree Preservation Order.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcamb.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.3 This application has been called in to Planning Committee by Councillor Mark Hugo as he believes that the importance of trees in residential areas should not be at the expense of a young local family wishing to create their home from a neglected and currently empty house. Councillor Hugo has also requested that the planning application be considered at the same Planning Committee meeting as the Tree Preservation Order application relating to the same site.

3.0 PLANNING HISTORY

3.1

16/01745/FUL	Proposed 2 storey side extension and refurbishment of the existing property.	Withdrawn 16.02.2017
--------------	--	-------------------------

Tree Preservation Order

TPO/E/05/17	Confirmation of Tree Preservation Order E/05/17	Pending Consideration
-------------	---	-----------------------

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located on the south side of Hop Row, which is residential in nature and within the established development framework and conservation area for Haddenham. The site comprises a two-storey dwelling with a driveway to the front and garden to the rear. There are some trees located within the site, including a Silver Birch tree adjacent to the west boundary which has an unconfirmed Tree Preservation Order placed on it. The site shares a neighbouring boundary with No. 4 Hop Row to the west and No. 6a Hop Row to the east. The rear boundary of the site borders the Robert Arskenshall Primary School playing field.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees summarised below. The full responses are available on the Council's web site.

5.1.1 Haddenham Parish Council – No objections or concerns about the proposed development and do not consider the tree to be worthwhile or in need of a preservation order. Haddenham Parish Council consider that the tree is within the site and not visible from the street, and therefore a TPO is not necessary and would prevent the property from being developed into a much needed family home. Haddenham Parish Council also feel sure that the tree could be replaced by Silver Birches elsewhere on the site as recommended by the AIA report accompanying the application.

5.1.2 Ward Councillor Mark Hugo - Has requested that the following statement is recorded within the Planning Committee Report:

'6 Hop Row has recently been inherited by Mr & Mrs Amery , who are a young couple with long established family ties to Haddenham. They have a young family of 3 children and wish to take this opportunity to build a family home in their village, something they would have struggled to do without this inheritance. The house has been neglected over the years and is in need of a complete makeover and also needs extending to accommodate the present and future needs of the 3 children.

This application was previously submitted earlier this year and during that application a TPO was placed on a silver birch in the grounds which now prevents this necessary extension. At the planning officer's suggestion Mr & Mrs Amory withdrew the plan back then and obtained a professional Arboricultural/Tree Impact Assessment (AIA) which is attached to the current application.

The main issues that arise from the AIA report are:

- the birch is mature and only has a remaining life span of 10-20 years
- it has recently suffered a spilt out branch in the strong winds
- it must be removed for the necessary extension to proceed
- it's removal will have minimal impact on the street scene

The AIA recommends a program of action for the other trees and hedges on the site including replacement of the unwanted birch with 2 of the same species at the front of the property.

Mr & Mrs Amery have agreed to follow all recommendations in the report.

In addition many objections to the TPO have come in from residents and it appears this tree is far from popular and indeed a quite a nuisance.

Whilst I appreciate the importance of trees in residential areas it should not be at the expense of a young local family wishing to create their home from a neglected and currently empty house.'

5.1.3 Conservation Officer – No objections. The application has addressed concerns raised previously in terms of design.

5.1.4 Trees Officer – Objects to the application. There are a number of trees at the site. An attractive Birch tree, protected by the unconfirmed Tree Preservation Order E/5/17, of roughly 50 years of age, is identified for removal to facilitate the development. Considers that a development can be achieved without the requirement for the removal of this tree yet this option appears to have not been explored.

The Arboricultural report fails to clearly indicate the extent of the root protection area of the Birch tree (T3). Therefore the potential for a development to include the retention of this tree is not possible to assess.

It is advised within *BS5837:2012 Trees in relation to design, demolition and construction – Recommendations* 5.3.1: ‘where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s).’ Without an accurate demonstration of the root protection area, the possibility for development within the root protection area cannot be assessed and therefore justification for the removal of the tree is not assured.

The report also defines the Birch tree as a category B2 tree. Category B is generally considered as a category of tree to consider for retention, yet the report also identifies the tree as having an estimated remaining life span of 10 – 20 years. The *BS5837:2012 Trees in relation to design, demolition and construction – Recommendations* clearly indicates within the cascade chart for tree quality assessment, page 9, Category B trees are ‘Trees of a moderate quality with an estimated remaining life expectancy of at least 20 years.’ Therefore concludes that either the remaining life span or the Categorisation of the tree needs to be reassessed to give a clear indication of the potential for the retention of this tree within a development. Advises revisions of the Arboricultural report are made to address the matters raised, so the justification for the removal of this tree is fully considered.

5.1.5 Neighbours – 2 neighbouring properties were notified and 1 representation was received in support of the application from the occupiers of No.4 Hop Row. This representation is summarised below. A full copy of the responses are available on the Council’s website.

5.1.6 No.4 Hop Row - Support the application for the following reasons:

- The existing Silver Birch tree causes nuisance to the neighbouring property, Laurel House No.4 Hop Row.
- Fail to see how the Silver Birch tree can be treated differently to the previous Beech tree which existed within the site and was allowed by the Council to be removed a number of years ago.
- The Silver Birch tree is nearing the end of its life and is in only average condition with possible damage to branches higher up. The Silver Birch is at risk of being uprooted by wind.
- The tree should not prevent a local family developing the neglected house into a family home.
- The development will improve the street scene. The Silver Birch tree adds little to the street scene, being largely hidden by a Conifer.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 11	Conservation Areas

6.2 Supplementary Planning Documents

Haddenham Conservation Area
Design Guide

6.3 National Planning Policy Framework 2012

7 Requiring good design

11 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 The main issues to consider when assessing this application are the loss of the Silver Birch tree which is the subject of an unconfirmed Tree Preservation Order, in addition to the impacts upon the character and appearance of the conservation area and residential amenity.

7.2 Loss of the Silver Birch tree

7.2.1 The proposal seeks to remove a Silver Birch tree which currently has an unconfirmed Tree Preservation Order placed on it. The Silver Birch tree provides a positive visual contribution to the character and appearance of the conservation area. A Tree Preservation Order was placed on the tree by the Council's Tree Officer on 28th March 2017, following the previous planning application being withdrawn due to the Planning Officer raising concerns to the loss of the tree.

7.2.2 The current application is supported by an Arboricultural Impact Assessment Study incorporating a Method Statement and a Tree Protection Plan. This arboricultural report categorises the Silver Birch tree as a category 'B2' tree (which is of moderate quality) and predicts the remaining life span of the tree to be 10-20 years. However, this remaining life span is disputed by the Council's Trees Officer who considers that the life span of the tree may be longer than 20 years.

7.2.3 The submitted arboricultural report also states that the trees would be replaced with native English hedgerows and other native trees, with 2 trees planted to the front of the property in accordance with British Standard 8545:2014.

7.2.4 The Council's Trees Officer has objected to the loss of the Silver Birch tree which currently has an unconfirmed Tree Preservation Order placed on it. By virtue of its current protected status which the unconfirmed Tree Preservation Order provides, the removal of the Silver Birch tree would result in the loss of a noteworthy and attractive tree which would also be to the detriment of the character and appearance of the conservation area, contrary to Policies ENV1, ENV2, ENV7 and ENV11 of the East Cambridgeshire Local Plan 2015.

7.3 Character and appearance of the conservation area

7.3.1 Although relatively large in scale, the proposed extension would be set down in height from the main roof ridge and would appear as a subservient addition to the existing dwelling. The proposed brickwork, render and roof tiles are a high quality and would ensure that the proposed extension appears sympathetic to the conservation area.

- 7.3.2 The outbuilding which is proposed to be clad is located to the rear of the dwelling and not visible from the public highway. The proposed cladding is of a high quality and would improve the appearance of the outbuilding.
- 7.3.3 The existing driveway is constructed of concrete. The proposal would resurface the driveway with high quality brick paviours which would improve the appearance of the hardstanding within the site and contribute more positively to the character and appearance of the conservation area.
- 7.3.4 However, the removal of the Silver Birch tree would result in the loss of an attractive tree which has been considered by the Council's Trees Officer to be worthy of a Tree Preservation Order.
- 7.3.5 Although the design and materials of the proposed extensions and alterations are considered acceptable, the loss of the Silver Birch tree would have a detrimental impact upon the character and appearance of the conservation area, contrary to Policies ENV1, ENV2, ENV7 and ENV11 of the East Cambridgeshire Local Plan 2015.

7.4 Residential amenity

- 7.4.1 The proposed extension would be two-storey in height and located to the west side of the existing dwelling, adjacent to the neighbouring property of No.4 Hop Row. The proposed extension would be sited 4.7m from the side elevation of No.4 Hop Row which has windows serving a toilet and a utility, in addition to a secondary window serving a kitchen/diner which also has a primary (south-facing) window to the rear. By virtue of its distance from the dwelling of No.4 Hop Row and its relationship with this neighbouring dwellings windows, the proposed extension would not result in a significant loss of light or overbearing impact upon No.4 Hop Row. Furthermore, the proposed extension would be largely screened from the other neighbouring dwelling of No.6a Hop Row by the existing dwelling and would not have any significant impact upon this dwelling. In addition, the proposed extension does not include any west-facing windows that would overlook the neighbouring dwellings.
- 7.4.2 It is therefore considered that the proposal would not create a significant detrimental impact upon residential amenity, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.

7.5 Planning Balance

- 7.5.1 The design and materials of the proposed extensions and alterations are considered acceptable. However, the removal of the Silver Birch tree would result in the loss of a noteworthy and attractive tree which is the subject of an unconfirmed Tree Preservation Order. Furthermore, the loss of the tree would have a detrimental impact upon the character and appearance of the conservation area. It is therefore considered that the proposal is contrary to Policies ENV1, ENV2, ENV7 and ENV11 of the East Cambridgeshire Local Plan 2015.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00642/FUL	Richard Fitzjohn Room No. 011	Richard Fitzjohn Planning Officer 01353 665555
16/01745/FUL	The Grange Ely	richard.fitzjohn@ea stcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>