

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY 12TH DECEMBER 2012**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY URBAN VISION (UK) LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 1NO. DETACHED DWELLINGHOUSE AND GARAGE WITH PRIVATE DRIVE AT 12 LLYS Y WENNOL, NORTHOP HALL, MOLD**

1.00 APPLICATION NUMBER

1.01 **047127**

2.00 APPLICANT

2.01 **URBAN VISION (UK) LTD**

3.00 SITE

3.01 **12 LLYS Y WENNOL, NORTHOP HALL, MOLD**

4.00 APPLICATION VALID DATE

4.01 **19.05.2010**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision, following the refusal of planning permission by Committee for the erection of 1no. detached dwelling house and garage with private drive on land to the side of 12 Llys Y Wennol, Northop Hall, Mold, Flintshire. CH7 6GE.

The appeal was considered by way of an exchange of written representations and was DISMISSED.

6.00 REPORT

- 6.01 Issues
The Inspector considered the main issues to be the amenity value and the condition of the protected oak trees and the impact of felling them on the character and appearance of the area and whether there were sufficient grounds to justify the felling of these trees and the effect of the proposal on the designated 'green space'.
- 6.02 Protected trees
The inspector noted that in order to build the proposed dwelling 6 protected oak trees would need to be felled, although there was also evidence that some have suppressed growth or were structurally weak. Two tree reports had been submitted which recommended that these protected trees were removed.
- 6.03 The proposed dwelling would be located on an area of designated 'green space' defined by policy L3 of the Flintshire Unitary Development Plan (UDP). The site is situated north of No. 12 Lllys y Wennol with access obtained from the head of the cul-de-sac road. A detached garage would be located on the western boundary adjoining a public footpath. This path would be retained and a new fence would be erected to delineate its alignment.
- 6.04 From the Inspectors own visual inspection of the 6 trees in question, he agreed with the reports that had been submitted that 3 trees could be removed, He however, disagreed with the conclusions that the other 3 trees were not worthy of retention.
- 6.05 He was of the opinion that these individually protected trees make a significant contribution to the character of the 'green space', and collectively they form a wooded area which is a significant factor in the designation. The removal of the protected trees to facilitate the development is not justified since their loss would have a significant impact on the local environment and its enjoyment by the public.
- 6.06 He therefore concluded that the proposal would undermine the protection afforded to the trees by the TPO process and would conflict with UDP policy TWH1 development affecting trees and woodland.
- 6.07 He noted the Council's Forestry Officers response on the application and I also acknowledge the proposed replacement tree planting scheme, but these matters do not outweigh my conclusion on the first issue.
- 6.08 The condition of protected trees were considered worthy of retention as they contribute to the amenity value of the area and their removal would be harmful to the character and appearance of the area. There are insufficient grounds to justify felling them.
- 6.09 Green space
He agreed with the Appellants that the green space is largely

characterised by the trees. However, his assessment of the quality of the trees differ from that of the Appellants since these trees are a characteristic of the green space their removal would undermine its value in terms of its landscape quality. Should a proposal be designed so as to avoid harm to the protected trees to the extent that he had indicated then the green space designation should not be an in principle bar to development. This is due to the fact that the area is in private ownership and could be fenced-off. It would then not act as a buffer nor function as an open area.

- 6.10 Nevertheless, as presented the planning application involves the removal of protected trees that contribute to the green space and the area generally. Its value would be unacceptably harmed since the trees form a significant contributory factor for its designation. To this extent the proposal would harm the designated green space in conflict with UDP policy L3.

7.00 CONCLUSION

- 7.01 The inspector noted the reference to a previous outline planning permission granted on the site. However, this unimplemented planning permission lapsed in 2008 and the green space designation in the UDP. He also noted that weight should be attributed to the officer's recommendation in favour of the proposal but noted that the Council was entitled to disagree with the recommendation if there were sufficient grounds. He went on to consider this appeal on its individual merits finding that whilst the development is located in the settlement, one principle of sustainable development is to respect environmental limits and this proposal would undermine this aspect in that the loss of certain of the trees was not justified.
- 7.02 For the reasons set out above, and having regard to all other matters raised, the Inspector concluded that the appeal should be dismissed.

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