

## Statement of Case on behalf of Mr Brian Moran



### ***Appeal By:***

Mr Brian Moran against refusal of outline planning permission for two detached dwellings, including new vehicular access onto Whalley New Road at 68-70 Whalley new Road, Wilpshire, BB1 9LF.

### **Planning Inspectorate ref:**

**Ribble Valley Borough Council Planning Ref:** 03/2016/0765

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## 1.0 Introduction

1.1 This statement represents the case of Mr Brian Moran, herein after referred to as the appellant, against refusal of outline planning permission by Ribble Valley Borough Council Planning Authority, herein after referred to as the Planning Authority, for the erection of two detached dwellings including vehicular access on land at 68-70 Whalley New Road, Wilpshire. Matters applied for relate to access only.

1.2 The appeal application comprises the following documents:

- Outline application form.
- Existing and Proposed Layout - drawing number A025 D01A.
- Proposed Scheme (Access) - drawing number A025 D02A.
- Cover letter dated 5<sup>th</sup> August 2016.
- Tree Report and Plan.
- Proposed Scheme Option 1 – drawing number A025 D03 (submitted on request of the Planning Authority during assessment of the planning application).

Which have been submitted as part of this appeal and should be read in-conjunction with this statement.

1.3 The planning application was validated by the planning Authority on 16<sup>th</sup> August 2016 and subsequently refused on 7<sup>th</sup> October 2016 for the following reasons:

*1. The erection of a dwelling, within Plot 1, forward of the adjacent buildings to the north would introduce a highly prominent and incongruous feature on the street scene which fails to achieve high quality design that adequately reflects the local character and vernacular of the area. The scheme is thus considered detrimental to the visual amenities of the area which is contrary to Key Statement EN2 and Policy DMG1 of the Ribble Valley Core Strategy, as well as national guidance contained within the National Planning Policy Framework.*

*2. The proposed development would result in unacceptable level of amenity for the existing occupiers of 68-70 Whalley New Road and future occupants of Plot 2 within the development site itself by virtue of an overbearing impact, unacceptable levels of privacy being provided due to overlooking, and insufficient daylight and outlook. The proposal is therefore contrary to Ribble Valley Core Strategy Policy DMG1, as well as Paragraph 17 of the National Planning Policy Framework (NPPF).*

*3. The level of detail submitted with the application has not clearly demonstrated that the proposed new access point could be created off Whalley New Road without compromising highway safety. The proposal would therefore fail to satisfy Policy DMG1 of the Ribble Valley Core Strategy which requires all new development to consider the potential traffic implications and ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated by the development.*

## 2.0 The Appeal Site and Surroundings

2.1 The application site is located to the eastern boundary of and within the village envelope of Wilpshire and is situated within a predominantly residential area. The site is bound by a stone fronted end terrace property to the south, vehicular access to Wilpshire Golf Club to the north and a mix of detached, semi-detached and mews style dwellings to the opposing side of Whalley New Road. The fairways of Wilpshire Golf Club and open countryside adjoin the site to the east.

2.2 The site itself is rectangular in form and currently comprises of a side garden associated with 68-70 Whalley New Road. 68-70 Whalley New Road is a 2 storey stone built property of traditional design, incorporating central entrance, front gable detail and bay window with a dual pitch blue slate roof. The site topography slopes in an upward fashion from Whalley New Road, easterly toward the golf course. The level difference across the site is made by a single step change, approximately 1.5m in height, centrally on the site. Mature trees form the boundaries of the site to the south, east and west. At the time of application these trees were not subject to a Tree Preservation Order, though it is understood that such an Order was served by the Planning Authority during assessment of the application and subsequently rescinded.

3.3 The application site is located within Flood Zone 1.

### 3.0 The Appeal Proposal

3.1 Outline planning consent was sought for the construction of two detached dwellings on the site, seeking approval of matters relating to access only. Matters relating to appearance, landscaping, layout and scale were to be addressed through subsequent reserved matters applications.

3.2 The proposed dwellings are to be accessed via a new vehicular entrance from Whalley New Road, located some 25m south of that serving the existing dwelling on site. Detailed design of the entrance is detailed on drawing number A025 D02A which provides for a 5.5m wide carriage and 5m radii. The site naturally lends itself to be split in two, with a dwelling sited on the lower and upper portions of the site respectively. Whilst appearance and scale are both reserved, it is envisaged that the dwellings would be a maximum of 2 storeys, of traditional scale and detail to reflect the main vernacular of the locality, set in landscaped gardens with off street parking.

3.3 During the course of assessment, the Planning Authority requested an indicative layout to be provided by the appellant. Drawing number A025 D03 was submitted, indicatively illustrating 2 dwellings on the site. It should be noted that no request was made by the Planning Authority to amend the matters applied for or provide floor and elevation plans of the development.

### 4.0 Planning History

4.1 It is understood that there is no planning history relevant to the appeal proposal.

### 5.0 Policy Context

5.1 The appeal site is located within the village envelope of Wilpshire, the following policies are therefore considered of relevance to the proposal:

DS1 – Development Strategy  
DS2 – Sustainable Development  
EN2 – Landscape  
EN4 – Biodiversity and Geodiversity  
H1 – Housing Provision  
H2 – Housing Balance  
DMI2– Transport Considerations  
DMG1 – General Considerations  
DMG2 – Strategic Considerations  
DMG3 – Transport & Mobility  
DME1 – Protecting Trees and Woodlands

DME2 – Landscape and Townscape Protection  
DME3 – Site and Species Protection and Conservation  
DME5 – Renewable Energy

National Planning Policy Framework (NPPF)

## 6.0 Assessment of the Appeal Proposal

6.1 The planning application was made in outline form, seeking matters relating to access only. Notwithstanding the Matter applied for, the Planning Authority have refused the application for highway safety, amenity and design reasons. On this basis, the main issues pertinent to the appeal proposal are:

- Principle of residential development on the site.
- Design.
- Amenity.
- Highway safety.
- Trees.

And are considered in greater detail below.

## 6.2 Principle of Residential Development on the Site

The decision notice issued by the Planning Authority does not cite the principle of residential development as a reason for refusal. Indeed, the Delegated Report produced by the Planning Authority states clearly:

*'it is considered that the principle of developing this site for residential use, in a residential area within a Tier 1 Settlement, complies with Key Statements DS1 and DS2, along with Policy DMG2 of the Core Strategy.'*

On this basis it is considered that the Planning Authority has no objection to the principle of residential development on the site and that this matter is common ground between both parties.

## 6.3 Design

Refusal reason (1) relates to design of the proposal and reads as follows:

*1. The erection of a dwelling, within Plot 1, forward of the adjacent buildings to the north would introduce a highly prominent and incongruous feature on the street scene which fails to achieve high quality design that adequately reflects the local character and vernacular of the area. The scheme is thus considered detrimental to the visual amenities of the area which is contrary to Key Statement EN2 and Policy DMG1 of the Ribble Valley Core Strategy, as well as national guidance contained within the National Planning Policy Framework.*

6.4 Refusal reason (1) relates to the positioning of the dwelling on Plot 1 and the detrimental impact it would have on the visual quality of the street. The Officer Delegated Report refers to Plot 1 being set in front of 68-70 Whalley New Road with such a relationship considered to detract from both the quality of the existing dwelling and the street scene in general.

6.5 The appellant strongly refutes refusal reason (1) and contends that the proposal would not be incongruous, is in-keeping with local character and would not be detrimental to the visual amenity of the area.

- 6.6 The appellant considers that since refusal reason (1) relates only to the siting of a dwelling on Plot 1, that the Planning Authority has no other design objection to the scheme at this time, including but not limited to the siting of the dwelling on Plot 2, and that this is common ground between both parties. The appeal statement therefore focusses on the siting of a dwelling on Plot 1 only.
- 6.7 The Inspector should note that refusal reason (1) relates to siting of dwellings on the site, a matter not applied for as part of the planning application. Furthermore, whilst an indicative layout was provided by the appellant, the Planning Authority did not request that the application be amended to take account of such matters.
- 6.8 Key Statement EN2 (Landscape) of the Core Strategy is referenced in refusal reason (1) and states that the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, features and building materials.
- 6.9 Policy DMG1 (General Considerations) is also referred to in refusal reason (1) and requires development to be of a high standard of design and be sympathetic to existing and proposed land uses in terms of size, intensity and nature.
- 6.10 Paragraph 56 of the NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development stating that it is indivisible from good planning and should contribute positively to making places better for people.
- 6.11 The appeal site is side garden ground to 68-70 Whalley New Road, located within a predominantly residential area and situated within a linear settlement form, interspersed by back land development, along the main street scene of Whalley New Road. The existing dwelling is of stone construction, set beneath a pitched slate roof and located immediately north of the application site. This property has a front facing aspect to the street and substantial set back from the carriageway. There is a stone and pitched slate roof residential terrace to the south which also has a front facing aspect and set back from the road, though this set back is significantly less than that of 68-70 Whalley New Road. It is considered that there is no defined build line between adjacent properties which bound the site. Dwellings to the opposing side of Whalley New Road have a front facing aspect also, constructed from a mix of materials including stone, render and pebble dash set beneath both dual and hipped roof forms.
- 6.12 The outline proposal has indicatively split the appeal site in two, taking advantage of the existing land levels on the site. Plot 1 is located closest to Whalley New Road, and Plot 2 located to the rear on the higher land level. The indicative layout drawing sites the dwelling on Plot 1 centrally within the plot, having a rear facing aspect toward the frontage of the dwelling sited on Plot 2. Importantly the frontage of this dwelling aligns approximately with the rear elevation of the neighbouring terrace row and forward of 68-70 Whalley New Road.
- 6.13 It is acknowledged that the indicative siting of the dwelling on Plot 1 is forward of the existing build line of 68-70 Whalley New Road. Notwithstanding, the appellant contends that the indicative siting of this dwelling represents a step change between two differing build lines neighbouring the application site. This is a common and widely accepted design solution, indeed is one which is apparent in the locality on Whalley New Road. The development is therefore considered to have a strong relationship to the existing street scene and would have no greater visual impact than

that of the existing terrace. For this reason, it is considered that the indicative siting on Plot 1 is in keeping with the character and vernacular of the immediate locality and would not result in a dominant or incongruous feature in the street. Use of architectural features prevalent to the local vernacular, including proportionality, construction materials and bay window detail will also help assimilate the development into the street scene. Furthermore, retained trees to the frontage of Plot 1 will act to soften the appearance of the development, acting to dilute the visual presence of the development.

- 6.14 The gable of the dwelling sited on Plot 1 will be visible within the street on approach from the north. This relationship to the street however is no different than a lot of other dwellings on Whalley New Road, which add character and visual interest to the street scene. The appellant also considers that detailed design of the dwelling on Plot 1, particularly the exposed gable, could be enhanced to improve its relationship with the street. For example, provision of secondary windows, and/ or external chimney stack would provide visual interest to the gable. Furthermore, the appellant is prepared to undertake additional tree planting within the front garden area of 68-70 Whalley New Road, as per drawing number D025 A07 (Appendix A). This will reinstate a historic tree line, enhance the visual quality of the street and soften the appearance of the exposed gable end. The Inspector should note that this land is within ownership of the appellant, as per the submitted Location plan, additional tree planting on this land can therefore be provided by condition, in accordance with the A025 D07 or by details to be agreed with the Planning Authority prior to works commencing.
- 6.15 On this basis, the appellant strongly refutes refusal reason (1), any reported harm is not considered to be significant, and contends that with appropriate mitigation and detailed design, the development would provide for a high quality design that adequately reflects the local character and vernacular of the area. A condition is suggested which requires additional tree planting within the street scene of the front garden area of 68-70 Whalley New Road.
- 6.16 The appellant also considers that the Planning authority has acted unreasonably by refusing the application on grounds relating to siting, when the proposal clearly intended this matter for subsequent reserved matters. The Planning Authority should have requested the application be amended to take account of siting, but neglected to do so. Furthermore, the appellant was disappointed that opportunity to respond to such concerns was not provided by the Planning Authority.
- 6.17 Amenity  
Refusal reason (2) relates to design of the proposal and reads as follows:
- 2. The proposed development would result in unacceptable level of amenity for the existing occupiers of 68-70 Whalley New Road and future occupants of Plot 2 within the development site itself by virtue of an overbearing impact, unacceptable levels of privacy being provided due to overlooking, and insufficient daylight and outlook. The proposal is therefore contrary to Ribble Valley Core Strategy Policy DMG1, as well as Paragraph 17 of the National Planning Policy Framework (NPPF).*
- 6.18 Refusal reason (2) relates to the siting of the dwelling on Plot 2 and the detrimental amenity impact this would have for occupants residing in 68-70 Whalley New Road, as well as the impact this existing property would have on prospective occupants of the dwelling on Plot 2.

- 6.19 Since refusal reason (2) relates only to the relationship between the dwelling sited on Plot 2 and 68-70 Whalley New Road, it is considered that the Planning Authority has no other amenity concerns to the scheme at this time, and that this is common ground between both parties. The appeal statement therefore only makes reference to the relationship between the dwelling sited on Plot 2 and 68-70 Whalley New Road.
- 6.20 The Inspector should note that refusal reason (2) relates to amenity and that Layout and Appearance were not matters applied for as part of the appeal application. Furthermore, whilst an indicative layout was provided by the appellant, the Planning Authority did not request that the application be amended to take account of such matters, neither did the Planning Authority request for elevation or floor plan drawings to be provided. On this basis, it is considered impossible for the Planning Authority to make an informed judgement with regards to the precise relationship of the dwelling sited on Plot 2 to 68-70 Whalley New Road and vice versa. Refusal reason (2) is therefore unfounded. Notwithstanding this, the appellant strongly refutes the refusal reason, and contends that the development would provide for satisfactory levels of amenity for existing and prospective occupants of the development.
- 6.21 Policy DMG1 (General Considerations) is referenced in refusal reason (2) and supports new development which does not adversely affect the amenities of the surrounding area and provides for adequate day lighting and privacy distances. This position is also reflected in Paragraph 17 of the NPPF, which explains that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.
- 6.22 The indicative layout drawing sites the dwelling on Plot 2 to the rear of the application site, having a front facing aspect to Whalley New Road and partial back to back relationship with the dwelling on Plot 1. The dwelling on Plot 2 is located south east of the existing dwelling at 68-70 Whalley New Road, the front elevation of the dwelling is indicatively shown set behind the rear elevation of this neighbour. 68-70 Whalley New Road has habitable room windows located within both the side and rear elevations of the property, at ground and first floor levels.
- 6.23 With regards to overlooking, at the time of decision the Planning Authority did not know the internal layout or the position of room windows within the dwelling sited on Plot 2. It is therefore impossible for the Planning Authority to ascertain the true extent of overlooking from the proposed dwelling or that which prospective occupants may be witness to. Notwithstanding, the indicative siting illustrates that the proposed dwelling on Plot 2 has a front facing aspect to Whalley New Road. Windows within the front elevation of this dwelling would look out over the application site and would not directly oppose habitable room windows contained within the side/ rear elevations of 68-70 Whalley New Road. Furthermore, a typical house design would not locate habitable room windows within the side elevation opposing the rear garden area of 68-70 Whalley New Road. It is therefore considered highly unlikely that any direct overlooking of this neighbouring property, or overlooking from this neighbour to Plot 2, would occur. There would be overlooking from side habitable room windows of 68-70 Whalley New Road of the proposed front garden area to Plot 2. However, at ground floor level, any overlooking would be interrupted by required boundary treatment, furthermore the nature of overlooked front garden areas is common practice in the residential areas with added security benefits from increased surveillance.
- 6.24 The indicative layout of Plot 2 sites the dwelling approximately 4m behind the rear build line of 68-70 Whalley New Road and approximately 1.5m from the proposed party boundary with 68-70 Whalley New Road. This neighbour would also afford good separation from the party boundary of approximately 5m. This indicative siting results



in an offset relationship to this neighbour and provides for a sense of space between buildings. The resultant relationship and space between dwellings would act to minimise dominance of the proposal to 68-70 Whalley New Road.

- 6.25 68-70 Whalley New Road is sited to the north west of the application site and, as discussed in paragraph 6.24, has good separation to and sufficient space between the dwelling on Plot 2. Any overshadowing resultant from the dwelling on Plot 2 would therefore be restricted to the early morning only, conversely overshadowing of the dwelling on Plot 2 from 68-70 Whalley New Road would be early evening. This degree of overshadowing is not considered to result in unacceptable harm to the amenity of occupants.
- 6.26 On this basis, the appellant considers the Planning Authorities refusal reason is not justified. The indicative siting of the dwelling on Plot 2 provides for an acceptable relationship to and would not therefore unacceptably impinge on the amenity of existing occupants of 68-70 Whalley New Road or prospective occupants of the development.
- 6.27 The appellant considers that the Planning Authority has acted unreasonably by not requesting the application be amended to reflect additional matters of Layout and Appearance. This would have enabled a thorough assessment of amenity, as opposed to an assessment based on a number of assumptions regarding scale, siting and internal layout of the dwellings proposed. Additionally, the appellant was not given opportunity to respond to the amenity concerns raised and it is considered that the indicative proposal could be revised in a number of ways to improve the relationship to this neighbour. For example, including re-siting of the dwelling further away from the party boundary, reduce the footprint of the dwelling to help increase separation to the party boundary, reduce scale of the development adjacent to the party boundary. This approach to the assessment of planning applications is contrary to paragraph 187 of the NPPF which requires Local planning authorities to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 6.28 Highway Safety  
Refusal reason (3) relates to highway safety of the proposed vehicular access arrangement and reads as follows:
- 3. The level of detail submitted with the application has not clearly demonstrated that the proposed new access point could be created off Whalley New Road without compromising highway safety. The proposal would therefore fail to satisfy Policy DMG1 of the Ribble Valley Core Strategy which requires all new development to consider the potential traffic implications and ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated by the development.*
- 6.29 Refusal reason (3) relates to how the appeal proposal has not demonstrated a safe means of access to the highway. It is therefore considered that the proposal is acceptable in all other highway regards, including the network impact resultant from additional vehicles associated to the development, and that this is common ground between both parties.
- 6.30 Relative to the highway assessment, Policy DMG1 (General Considerations) states that in determining planning applications, all development must consider the potential traffic and car parking implications, ensure safe access can be provided which is suitable to the scale and type of traffic likely to be generated and consider the protection and enhancement of public rights of way and access.

- 6.31 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved and development should only be refused where the residual impacts of development are severe.
- 6.32 Vehicular access to 68-70 Whalley New Road is currently provided via a gated entrance off the main road, a secondary access also exists via the side street access serving Wilpshire Golf Club. There are also numerous other properties adjacent to the application site which have similar driveway access arrangements from Whalley New Road.
- 6.33 The appeal proposal seeks consent for a separate vehicular entrance off Whalley New Road which will serve both of the dwellings created. The access is located some 25m south of the existing entrance to 68-70 Whalley New Road, the entrance will be approximately 5.5m in width, with appropriate radii and drop kerb. The existing wall along the frontage of Whalley New Road is located back of footpath and will be splayed and lowered to a maximum height of 1m. This will guarantee appropriate visibility for oncoming cars and pedestrians. Existing vegetation to the site frontage will be cleared to ensure that the visibility provided is free from obstruction, retained trees will not interfere with this visibility. Drawing number A025 D02A submitted with the planning application clearly demonstrates the proposed access and visibility arrangements to be acceptable. Google Street images contained within Appendix B also evidence, in a simple form, that the required visibility splays by LCC Highways (2.4m x 80m) remain uninterrupted by other features in the streetscene.
- 6.34 The highway reason for refusal is based upon Lancashire County Council (LCC) Highways assessment of the proposal. LCC Highway comments are appended to this statement (Appendix C). Importantly, the Highway Officer has objected on a single point which relates to the safety of the proposed access arrangement, stating that *'the required visibility would only be available if there is no vegetation planted or allowed to grow behind the boundary wall'*, concluding that the proposal *'is unacceptable on the grounds that a safe access has not been demonstrated as achievable'*. The Highway Officer adds further comment by stating *'a better solution and one that would be of benefit to the residents and wider community would be to relocate the boundary wall a minimum of 2.0m back from the kerb edge.'*
- 6.35 The appellant strongly refutes the LCC Highways assessment and the Planning Authorities reason for refusal, contending that drawing number A025 D02A and the Planning Statement clearly outline the scheme access design. It is considered that appropriate visibility can be achieved through wall height reduction and removal of scrub, without the need to relocate the existing wall or remove trees as demonstrated on drawing number A025 D02A.
- 6.36 The appellant contends that the reason for refusal is unfounded. The LCC highways comment acknowledges that appropriate visibility can be achieved, subject to there being no vegetation planted or allowed to grow behind the boundary wall. The appellant considers that this matter should have been addressed by the Planning Authority through a suitably worded condition, as opposed to a highway safety refusal reason. A condition which requires reduction of the wall height to 1m, removal of existing vegetation and the visibility splay to remain free from obstruction thereafter, as per drawing number A025 D02A, is considered to satisfy the LCC highway concerns.
- 6.37 The appellant considers that the Planning Authority have acted unreasonably by refusing the appeal proposal on highway safety grounds, when in this circumstance,

a suitably worded condition would have overcome the LCC Highways concern. This approach to development proposals by the Planning Authority is contrary to paragraph 203 of the NPPF, which requires Planning Authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Furthermore, it is considered that the suggested condition accords with the Six Tests advocated by Planning Practice Guidance, being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

- 6.38 The Inspector should note that the LCC Highway comment does not require provision of a widened footpath to Whalley New Road. Whilst it is acknowledged that the existing footpath to the application site frontage is substandard width, nonetheless so is the northerly footpath it would link to in front of 68-70 Whalley New Road. Bearing in mind the additional pressure on the footpath network resultant from the proposal would be negligible, it therefore appears unreasonable to insist that the appellant incorporates such changes into the scheme. Alternatively, the Inspector is urged to consider accessibility improvements that this footpath would gain following the permanent removal of vegetation, necessary to provide visibility, which overhangs the wall and currently impedes use of the footpath.
- 6.39 Notwithstanding this, drawing number A025 D05 is included in Appendix D and illustrates how the footpath could be facilitated within the development. If considered necessary by the Inspector, the footpath widening could be provided by condition. It should be noted that this would require removal of all trees on the frontage to Whalley New Road, replacement planting is therefore also shown on drawing number A025 D05.
- 6.40 Whilst layout does not form part of this application, it is considered that there is sufficient space on site for the development to comply with adopted Parking Standards and to encourage vehicles to enter and leave the site in forward gear. Servicing of the site will continue as per existing on street arrangements for neighbouring dwellings. There is, therefore, no need to accommodate access or manoeuvrability for larger vehicles within the development.
- 6.41 Due to the small number of dwellings proposed, the development would place minimal pressure on the road network. Furthermore, the site is considered to be in a highly accessible location being located within an established residential area which benefits from good public transport connectivity that offers a viable alternative to the car.
- 6.42 On this basis, the appellant contends that with inclusion of a suitably worded condition, the proposal will ensure a safe means of access which is appropriate to the scale and type of traffic generated by the development. The highway impact of the development cannot be considered severe, the proposal cannot therefore be refused on transport grounds as per paragraph 14 of the NPPF.
- 6.43 Trees  
The proposed access location and driveway requires the felling of two trees, namely T17 and T18. A Tree Survey of the appeal site was undertaken to support the planning application and demonstrated that T17 was of poor health and T18 a Category B. Three other trees (T1, T5 and T11) are also indicated for removal. The Planning Authority has no objection to the removal of these trees as confirmed in the 'Landscape/ Trees' section of the Officers Delegated Report.
- 6.44 As a consequence of the planning application, it is understood that a Tree Preservation Order on the site was served (ref: 202) and that 13 trees, including those adjacent to

Whalley New Road, were protected. Following this, the Local Authority has since retracted the Order as per letter dated 11<sup>th</sup> January 2017 (Appendix E). Rescindment of the Order must be viewed as acknowledgement by the Local Authority that the amenity value of trees is not sufficient to warrant protection and that their loss is supported. Indeed, the landowner would now be able to fell such trees without the need for consent from the Local Authority. Removal of the Order now contradicts the Officers Delegated Report which raised concern to any subsequent removal of trees on this frontage. Other than the trees specified for removal in paragraph 6.43 above, the Inspector should note that it is the appellant's intention to retain all other trees on site, and whilst the Officers concern is noted, it is considered that trees located adjacent to Whalley New Road do not require felling to facilitate the required access visibility splay, as discussed above.

6.45 It is considered that the Planning Authority has incorrectly interpreted detail provided on drawing number A025 D02A, assuming that trees need to be removed to facilitate required visibility splays.

6.46 Widening of the footpath on Whalley New Road has also been suggested in the comments made by LCC Highways. This would involve widening of the existing footpath into application site and the felling of protected trees on this frontage to facilitate. The Officers Delegated Report states that removal of these trees would not be supported, though this is now contradicted by removal of the TPO from the site. Drawing number A025 D05 demonstrates how the footpath could be provided and provision of replacement tree planting to the appeal site frontage.

#### 7.0 Conclusion

For the reasons outlined above, the Planning Inspector is respectfully urged to uphold the appeal.

Appendix A

Drawing Number A025 D07 - Additional Tree Planting to front garden of 68-70 Whalley New Road.

Appendix B:  
Lancashire County Council Highway Comment

Appendix C:  
Google Street Images Illustrating Uninterrupted Visibility

Appendix D:  
Drawing Number: A025 D05 Footpath Widening Scheme to Whalley New Road.



Appendix E:  
Ribble Valley Borough Council letter confirming rescindment of Tree Preservation Order  
from the appeal site.