
Appeal Decision

Site visit made on 13 September 2016

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 27 September 2016

Appeal Ref: APP/M3835/D/16/3153316
52 Lamorna Grove, Worthing, BN14 9BJ

- 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 Mr & Mrs Field against the decision of Worthing Borough Council.
 - The application Ref AWDM/0151/16, dated 2 February 2016, was refused by notice dated 15 April 2016.
 - The development proposed is first floor extension over existing garage and internal alterations to garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Field against Worthing Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The south eastern side of Lamorna Grove includes a number of trees protected by Tree Preservation Order No. 16 of 2003 (TPO). These include G5 which are located adjacent to the boundary with the appeal property. These trees are referred to as T1, T2, T3 and T4 in some instances and as tree A,B,C and D at other times. For the avoidance of doubt my reference to the trees uses the Tree ID at Appendix B of the Phillip Ellis Arboricultural Report dated 31 May 2016.

Main Issue

4. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area with particular reference to the trees adjacent to the appeal property.

Reasons

5. The appeal property is a detached dwelling situated at the end of a cul de sac. The proposal is for a single storey extension over the rear part of the existing flat-roofed garage which is situated adjacent to the boundary with Lamorna Grove. There are four trees protected by a TPO situated adjacent to the boundary. Due to their canopy spread and stature, the trees individually and collectively contribute to the verdant and leafy street scene. They

- provide an attractive backdrop to Lamorna Grove and make a significant contribution to the character and appearance of the locality. The trees are between 15 and 20 metres high and are separated from the boundary by between 1 and 2 metres.
6. The proposal would have little impact on the canopies of either the Macrocarpa (T4) or the Holm Oak nearest the front of the dwelling (T3). The tree closest to the proposed extension, a Holm Oak (T1), has a crown spread of about 6 metres in the direction of the garage. In its present condition the tree would need to be pruned back close to the boundary in order to accommodate the proposed extension. In addition, the garage extends very close to the boundary of the property, and it is possible that further pruning may be required in order to accommodate the necessary scaffolding and working space during the construction period.
 7. The arboricultural report submitted by the appellant indicates that it will only be necessary to remove three branches in order to accommodate the proposed extension. Moreover, it suggests that these works are similar to those previously permitted, but not implemented under reference AWDM/0806/14, although the appellants suggest that the permitted works were implemented. In the absence of any details of the crown spread at the time of that application it is not possible for me to compare the works necessitated by the appeal proposal with the previously permitted work.
 8. It is evident that some reduction in the canopy is required in order to avoid the protected trees overhanging the appeal property to an unreasonable extent. Based on the submitted information it would appear that the proposed extension would require the canopy to be reduced to a greater extent by comparison with the previously permitted works. I consider that the required works would have a significant effect on the appearance of T1 and would result in an unbalanced canopy which would be detrimental to the appearance of the tree. Although Holm Oaks are reasonably tolerant of pruning the canopy would need to be greatly reduced in order to avoid the branches touching the extension which would be significantly taller than the garage.
 9. The proposal would extend over the existing flat-roofed garage. Whilst I note that the garage has cavity walls, no information has been submitted to indicate whether the existing foundations to the garage would be adequate, or whether, particularly in the light of the underlying clay soil and proximity of the trees, they would need to be strengthened. Any additional works to the foundations would encroach upon the root protection area of T1 and possibly, dependant on the extent of such works, the other trees within the group. Such works would be likely to be detrimental to the health of the protected trees.
 10. The arboricultural report suggests that T2 to the front of the proposed extension will not need to be pruned. The proposed extension would have windows in three elevations in addition to a rooflight and would therefore receive adequate daylight. Nonetheless, the principal bedroom window would be located a short distance from this tree. Due to the close physical relationship between the extension and T2 future occupants may request that the canopy to T2 is reduced. Such requests may be difficult for the Council to resist and may add to the harm above.
 11. On the basis of the available evidence, having regard to the necessary working area and the potential need to strengthen the foundations to the existing

garage, I am unable to conclude that the proposed extension could be accommodated without significant harm to the appearance of T1 and T2, and the group overall.

12. I acknowledge that the trees are subject to a 5 year programme of maintenance which is managed to prevent significant overhang to the appeal property. Nevertheless, the extent of the canopy reduction required by the appeal proposal would exceed that which presently occurs as part of routine maintenance.
13. I therefore conclude that the proposal would harm the character and appearance of the surrounding area and would fail to comply with policies 13 and 16 of the adopted Core Strategy, which together require new development to respect biodiversity and the natural environment and demonstrate high quality architectural and landscape design.

Other Matters

14. Occupants of the adjoining properties in Grove Road are concerned that the proposal would impact on their privacy. I am aware that the proposal was revised at the time of the application, and the drawings submitted in relation to this appeal do not include any windows facing these properties. Therefore there would be no loss of privacy to these dwellings.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR