

Appeal Decision

Site visit made on 22 November 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 5th December 2016.

Appeal Ref: APP/C1760/W/16/3151652

Land adjacent 27/28 Clatford Manor, Upper Clatford, Andover, Hampshire

- 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 and Mrs Soper against the decision of Test Valley Borough Council.
 - The application Ref 15/01501/FULLN, dated 15 June 2015, was refused by notice dated 3 December 2015.
 - The development proposed is described as "erection of two 2 bedroom semi-detached houses and installation of sewage treatment plant".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was refused prior to the adoption of the Test Valley Borough Revised Local Plan 2011-2029 (January 2016). Consequently, the policies referred to in the Council's decision notice have been replaced by the relevant policies in the Revised Local Plan. The Council indicates that the relevant policies are E2, LHW1 and LHW4, and I have considered the appeal on this basis.
3. The Council has confirmed that it is no longer pursuing the second reason for refusal, which relates to financial contributions towards the off-site provision of public open space. I have considered the first reason for refusal only, set out as the main issue below.
4. The Council confirms that there is an extant planning permission for the erection of a detached dwelling and single garage on the site.¹ I have taken this into account in my consideration of the appeal.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area, with regard to protected trees.

Reasons

6. The appeal site lies on the edge of the development known as Clatford Manor. It is bounded to the north by a footpath and to the east by the gardens of Nos 27 and 28 Clatford Manor. There are a number of mature trees in and around the development which make a positive contribution to the character and

¹ Ref 10/01569/FULLN, granted 11 October 2010

appearance of the area. In particular, there are two beech trees within the site which are covered by a Tree Preservation Order (TPO). These trees are substantial in size and form part of a group that is visible in the wider area. The trees are attractive specimens and make a substantial and positive contribution to the visual amenity of the area, as recognised by their inclusion in the TPO. The proposed pair of semi-detached houses would be located close to the tree canopies. The majority of the garden to plot 1 would be under their spreads.

7. The trees are likely to have a significant impact on future occupiers of the houses, in particular plot 1. I appreciate that the trees lie to the north of the proposed houses and the crown spread does not necessarily represent the shadow cast by the tree. However, I saw from my site visit that the crown spread of one of the trees would extend very close to the rear wall of plot 1, and both trees have a number of low hanging branches. Therefore, even during the winter months when the trees would be without foliage, they would limit the amount of daylight to the rear of the house at plot 1. The rear facing living room and bedroom are likely to become unduly gloomy and the garden would be almost completely under the crown spread of the trees, which would affect light levels. Combined with the nuisance arising from leaf fall, this would lead to pressure to alter or remove the trees.
8. I have considered the evidence provided by the appellant's Arboricultural Consultant, however, I am not satisfied that this demonstrates the development would not lead to pressure for works to the trees. The crown spreads are more extensive than shown on the submitted tree survey plan and, as stated above, there are low hanging branches that affect the levels of sunlight penetration. There is no evidence that the trees would not survive for many years, and as they increase in size, it is highly likely that works to the trees would be required. It is difficult for a Council to resist applications to lop, top or fell in circumstances where safety is an issue or where damage is being sustained.
9. There is an extant permission for a detached house which would have a similar footprint and siting to the houses currently proposed. However, as it would only be a single house, with a larger garden, the trees would have less impact. Moreover, the effect of the trees on the proposed plot 1 would be significant as all the rear windows would be affected and the majority of the garden. Consequently, I do not consider that the extant permission justifies the development currently proposed.
10. I conclude that the development would lead to pressure to alter or remove the trees. The trees are of significant amenity value and their protection is justified to safeguard the character and appearance of the area. The development would not, therefore, comply with Policies E2 and LHW4 of the Local Plan² which seek to ensure the health and future retention of important landscape features, and that development provides appropriate garden space for future residents. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector

² Test Valley Borough Revised Local Plan 2011-2029 (adopted January 2016)