
Appeal Decision

Site visit made on 13 December 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/K0425/W/16/3155414

Land adjoining 69 Terrington Hill, Marlow, Buckinghamshire SL7 2RE

- 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 Welmbridge Ltd against the decision of Wycombe District Council.
 - The application Ref 15/07528/FUL, dated 9 September 2015, was refused by notice dated 17 March 2016.
 - The development proposed is the erection of a 3-bed detached house with associated parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although my site visit took place before the appellant's final comments were received, I have taken account of all representations made in my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the street scene and the character of the surrounding area;
 - trees proposed for retention; and,
 - the living conditions of future occupiers, with particular regard to light.

Reasons

The street scene and the character of the surrounding area

4. The site stands behind a wide strip of grass alongside the footway, in what appears as part of the back garden of 69 Terrington Hill. It contains a group of Pine trees. Towards the street edge, stands a group of young Norway Maples, both groups being protected by Tree Preservation Orders.
 5. The Pines are an attractive, established group which makes a substantial and positive contribution to the distinctiveness of the area, providing a sylvan backdrop when moving along Terrington Hill and Barnards Hill. They are similar to other specimens clustered around the reservoir above the site, and which appear elsewhere in the surrounding area.
-

6. Though the house would be sited alongside a street which climbs a hill, its plot arrangement, footprint, scale, and front building line would be little different to No 69, and to other houses in the street. The uplift of the ground slab because of the fall of the land would not be so great as to make the house over prominent or uncharacteristic. These factors suggest that it would not be overbearing in the street scene.
7. The Council considers that together with the area of land to the north, the site is part of an area of incidental open space, which would be fragmented by the proposal. It refers to Policy L4 of the Wycombe District Local Plan to 2011 adopted 2004 (as Saved and Extended (2007); and replaced by the Adopted Core Strategy July 2008 and Delivery and Site Allocations Plan July 2013), hereafter described as the LP. This Policy says that permission will not be given for proposals involving the loss, fragmentation, or reduction in size of incidental open spaces where they contribute to the character and appearance of the area.
8. Its supporting text gives examples of such areas as small landscaped areas within housing or commercial developments, less than 0.1 hectares in area, and which generally contribute to amenity. The appellant challenges the applicability of this definition as the area referred to would be greater than 0.1 hectares, which accords with what I saw on my visit. The impression from my visit is that most of the site is enclosed behind a boundary fence which diminishes its openness and its contribution to amenity, and the relevance of Policy L4.
9. Notwithstanding this, the site contains protected trees which make a significant contribution to the street scene and the sylvan character of the area. Being sited between the street and many of the Pines, the proposed house would remove much of their contribution to the street scene. I appreciate that the house would be below the canopies of the trees, but it would obscure much of their trunks, and the space and light between them from the street scene. Its siting and mass would undermine the significant contribution of the group of Pines to the street scene to the degree where the distinctive character of the area would be harmed.
10. I have taken into account the contribution of the Norway Maples which would mature between the house and the street, and the potential for additional planting. However, this would not make up for the loss of the trunks of the Pines in views from the street and the effect on the depth of field in views of the group.
11. I conclude on this issue that the proposal would have a harmful effect on the street scene and the character of the surrounding area. The proposal would be in conflict with LP Policy G3 which expects development, amongst other things, to have regard to existing trees and to reinforce the distinctiveness of its context.

The effect of the proposed development on trees proposed for retention

12. The footprint of the house, which would stand between the trees, would be extremely close to the trunks of many of them, and would straddle to varying degrees many of their root protection areas (RPAs). Whilst I have had regard to BS5837: 2012 which says that the default position should be that structures are located outside the root protection areas of trees to be retained, the

Council accepts the raft on mini piles proposed for the foundations of the house, concluding that this substructure would accommodate tree roots within the affected RPAs.

13. Notwithstanding this, and while I note the proposed lines of protective fencing to be erected around the trees, it is not clear that the potential for conflict between construction processes and the trees is resolvable. For instance, the location of temporary works; access for plant; and the delivery, handling, and storage of materials and welfare facilities. Moreover, there is no indication of the number, location, and depths of service runs required for the house, which may affect the protected trees. Given the protected status of the trees and their contribution to the visual amenity of the area, these are not matters I consider reasonable to be left to a planning condition.
14. Furthermore, given the location of the trees in relation to the proposed parking spaces and the proximity to the house, I think there is a reasonable prospect of needle drop, falling cones, and movement in high wind to the degree where future occupiers would seek to reduce or to fell some of the protected trees. I have taken into account the condition suggested by the appellant regarding tree management but do not consider this would relieve the pressure identified above.
15. Taking these factors together, I conclude on this issue that, on the basis of the information before me, the proposal would jeopardise the retention of the protected Pines. It would be contrary to LP Policy G11 which requires development to retain trees of good quality or visual significance and not to put at risk their future retention.

The living conditions of future occupiers

16. The Council is concerned that the trees would reduce the availability of light to future occupiers; however, I note that the house has been designed with more than one aspect to most of its habitable rooms which would be lit through large openings. Whilst the house would be very close to the trunks of the retained trees, their canopies are high and the house would have a relatively clear aspect towards the south. The interior of the house would therefore have sufficient access to daylight and sunlight.
17. The back garden would face towards the north; however, this is not unusual in housing layouts. Rather than the trees, it would be the proposed house itself that would stand between the garden and the south light. The high canopies of the Pines are relatively compact and not dense. They would not cause such a loss of diffuse light to the garden that the enjoyment of the garden would be harmed, and there is alternative, albeit limited space to the front of the proposed house, with a southerly aspect. In these circumstances, the enjoyment of the garden would not be adversely affected by the trees.
18. I conclude on this issue that the proposed development would provide acceptable living conditions for future occupiers, with particular regard to light. There would be no conflict with LP Policies G8 and H19 which require development to safeguard the future amenity of residents and provide usable outdoor amenity space.

Other matters

19. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. However, while there may be a shortfall in housing supply, which would mean that policies for the supply of housing would not be up-to-date, the development plan policies referred to by the Council which bear on this proposal and which I have read relate to the quality of development rather than strictly to the supply of housing. I therefore accord significant weight to these policies, which I consider to be up-to-date.
20. In any event, the proposal does not adequately address the environmental role of sustainable development as set out in paragraph 7 of the Framework, and does not therefore constitute sustainable development. Even if the policies referred to above were considered to relate to housing supply, which I consider they do not, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the development.
21. Whilst I have considered concerns from neighbours and from Marlow Town Council including in relation to highway safety, wildlife and overlooking, given my findings on the main issues above, these have not led me to a different overall conclusion.

Conclusion

22. In summary, the development would provide a modest benefit of one house to local housing supply in accordance with paragraph 47 of the Framework, and it would provide acceptable living conditions for future occupiers. However, this is outweighed by the harm to the street scene and the character of the area and the jeopardising of the protected Pine trees proposed for retention, which would be in conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR