

Appeal Decision

Site visit made on 13 June 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 27 June 2017

Appeal Ref: APP/U1105/D/16/3167442

Trenoweth, Elmway, Coreway, Sidford EX10 9SE

- 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 Dr E Morris against the decision of East Devon District Council.
 - The application Ref 16/1559/FUL, dated 27 June 2016, was refused by notice dated 7 October 2016.
 - The development proposed is raising roof of garage to create a first floor storage area & to extend sideways to create a garden store.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area with regard to the associated works to the adjacent beech and oak trees.

Reasons

3. The appeal site is located in an area of residential character where the majority of the properties are detached houses set within large gardens. The presence of a number of large trees has resulted in a verdant appearance to the area. The appeal site includes a single storey residential garage set away from the main house and adjacent to Elm Way which is a narrow access lane. A substantial beech tree is located within the boundary hedge immediately adjacent to the garage and an oak tree is located on the opposite side of the lane but in close proximity to the appeal building. Due to their prominent position, close to the lane, these trees add to the verdant character of the area and they have recently been protected by a Tree Preservation Order. More than minor pruning works could disfigure the trees by unbalancing the canopy and harm the verdant setting through the removal of a significant amount of foliage.
 4. The canopy of the beech tree significantly overhangs the roof of the garage; during my site visit I observed that several branches were in contact with its roof. A portion of the oak tree's canopy also overhangs the garage albeit less significantly so.
 5. The height of the garage would be raised so that it would protrude significantly into the canopy of the beech tree. Even if only a single branch needed to be shortened, as suggested by the appellant, the result would be a significant unbalancing effect to the appearance of the canopy. This would harmfully
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diminish the amenity value of the tree with consequent harm to the character and appearance of the area. The proposed works to the oak tree would have a similar effect. Although one of the branches may cross another I have no evidence that this necessitates its removal.

6. I appreciate that some minor works to both trees may be required from time to time to avoid conflict with traffic using the lane and damage to the garage in its existing form. However the raising of the height of the roof will require a greater degree of works to be undertaken. I observed that the roof of the building would extend substantially into the lower portion of the canopy of the beech tree. Therefore I also have significant concerns that it would result in increased pressure in the future to allow further pruning works to avoid any ongoing conflict with the building in its proposed extended form.
7. I therefore conclude that the development would result in harm to the character and appearance of the area. It would be contrary to Policies D1 and D3 of the East Devon Local Plan which seek to ensure development does not adversely affect trees worthy of retention, and that there should be a harmonious and sustainable relationship between structures and trees.
8. The appellant suggests that, following the Council's Tree Officer's comments on the application, it was confirmed that only minor works would be necessary. No evidence to support this has been submitted and, in any event, this would not minimise my concerns that the raising of the height of the garage would increase the pressure to carryout additional works to the trees in the future.
9. I note that the appellant has maintained the beech tree for many years, wishes to retain it, and has sought to use the services of a suitably qualified tree surgeon. The extension, at ground floor level, would not result in any substantive harm. There has also not been any local objection to the proposal. I am also aware that the proposed alterations to the garage would be a personal project for the appellant and that there is a desire to carry out further alterations to the dwelling. These factors do not however minimise the harm that would arise to the trees.
10. I give a modest amount of weight to the benefits that would arise to the appellant from the increased storage. This does not however outweigh the harm I have identified. The adverse effects of the development are sufficient to mean that it would conflict with the development plan when taken as a whole.
11. For the reasons given above I conclude the appeal should be dismissed.

K Taylor

INSPECTOR