
Appeal Decision

Site visit made on 5 June 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/R0335/W/17/3171589

The Lake House, 22 Folders Lane, Bracknell, Berkshire RG42 2LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr G Johnson against the decision of Bracknell Forest Borough Council.
 - The application Ref 16/00951/OUT, dated 12 September 2016, was refused by notice dated 31 October 2016.
 - The development proposed is a dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal application was submitted in outline with the access and layout considered at the outline stage. I have therefore dealt with the appeal on this basis. Notwithstanding that, drawings were submitted which included details of how the proposed development might be formed, including an elevation from the lake and a ground floor plan. However, given that these matters are reserved for subsequent approval I have given these details very little weight.

Main Issues

3. The main issues are the effect of the development on :
 - (i) the Thames Basin Heaths Special Protection Area;
 - (ii) the character and appearance of the area with particular regard to trees subject to a Tree Preservation Order; and
 - (iii) biodiversity.

Reasons

Special Protection Area

4. From the evidence before me the site lies within the 5km zone of influence for the Thames Basin Heaths Special Protection Area (TBHSPA). Policy CS14 of the Bracknell Forest Core Strategy Development Plan Document (CS), Policy NRM6 of the South East Plan (2009), together with the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012), outlines that mitigation is required for new residential development within the 5km influence zone.

5. Such mitigation can take the form of financial payments towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the TBHSPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures which Natural England will spend upon the TBHSPA land.
6. However, the Appellant has not put forward any mitigation measures with the planning application or the appeal documentation. Given the above, and in accordance with paragraph 118 of the National Planning Policy Framework, I am obliged to take a precautionary approach. Consequently, in the absence of a suitable planning obligation, or any other bespoke mitigation scheme, the appeal development would (in combination with other development) be likely to have a significant adverse effect on the TBHSPA contrary to the EU Habitats Directive, Policy CS14 of the CS and Policy NRM6 of the South East Plan (2009).

Character and appearance

7. The proposed dwelling would be located to the north of the existing property. The site includes an area of hardstanding, a detached annex and chalet beyond which is area of garden which has several significant trees located on it including a large Oak which is the subject of a Tree Preservation Order. The existing buildings are located in proximity to the Oak tree which forms a significant, and important, feature in the area.
8. The proposed dwelling would be sited broadly the same distance from the Oak tree than the two existing buildings, but would be a much larger and more substantial structure. Whilst it may be possible to undertake the development without requiring pruning works to the tree, the proximity of the building suggests that there is likely to be tree roots which may be affected.
9. In coming to that view I acknowledge that a trial pit has been excavated which showed very few tree roots. However, this does not demonstrate that there would not be a significant amount of roots elsewhere given the position of the proposed dwelling to the tree. This is particularly the case as the dwelling would encroach into a large part of the root protection area of the Oak tree and the trial pit was not located at the closest part of the dwelling to the tree.
10. Given the tree's size and position relative to the new dwelling, I also share the Council's concern over future pressure to prune and/or remove the tree. There is a likelihood of future occupiers perceiving the tree to be a nuisance, especially if it was to survive the rigours of the construction phase. The loss of the tree (or inappropriate pruning works) would have a detrimental impact on its amenity value and on the character of the area. There would also be further pressure to prune and/or remove other trees within the garden area as the extent of tree coverage would severely limit the use of garden which would have a further adverse impact on the area.
11. My attention has been drawn to another development, which was located in proximity to three oak trees, which was allowed at appeal¹. However, from the information before me, this development is not comparable to the current appeal development as the proposed dwellings in that case were sited further

¹ APP/W0340/A/12/2184353

away from the protected trees than the existing development. Moreover, each case must be determined on its individual merits.

12. For the above reasons, I conclude that the proposed dwellinghouse would be likely to harm the Oak tree and give rise to future pressure to prune or remove it, as well as other trees in the garden area, which would be detrimental to the character and appearance of the area. Therefore the development would conflict with Policy CS7 of the CS, and Saved Policies EN1 and EN20 of the Bracknell Forest Local Plan (2002) which amongst other matters seek to protect tree cover, and be in sympathy with the appearance and character of the local environment.

Biodiversity

13. In addition to the effect of the development on the TBHSPA, the Council have raised concern over the effect of the development on biodiversity on the site and the surrounding area. From the evidence before me, the submitted ecological report did not identify any protected species on the appeal site. However, the overall site may provide a stepping stone for wildlife through the urban environment.
14. Notwithstanding that, the area of the site where the dwelling would be located is largely devoid of greenery, with the exception of the trees and landscaping around the edge of the developable area. In that respect, the development would not present a significant change to the existing situation as the current proposal would still retain the area of trees to the north of the proposed dwelling, thereby maintaining a green link across the site. Furthermore, the development could provide opportunities for roosting and nesting boxes as outlined in the Ecology report.
15. For the above reasons, the development would maintain biodiversity on the site and the wider area in accordance with Policies CS1 and CS7 of the CS which amongst other matters seek to ensure that new development protects and enhances the quality of natural resources.

Conclusion

16. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR