

Appeal Decision

Site visit made on 7 August 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 22 August 2017

Appeal Ref: APP/B1740/D/17/3174958

68 Forest Edge, Fawley, Southampton SO45 1FN

- 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 Aubrey Peters against the decision of New Forest District Council.
 - The application, Ref. 16/10861, dated 10 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is an extension to the existing garage and the formation of a lobby.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to the existing garage and the formation of a lobby at 68 Forest Edge, Fawley, Southampton in accordance with the terms of the application, Ref. 16/10861, dated 10 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: 01A; 02; 03;
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 4) Before development commences (including site clearance, demolition and any other preparatory works) an arboricultural report prepared by a suitably qualified person and to include a methodology for construction, foundation design and a scheme for the protection of trees to be retained, shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a method statement detailing timing of events, all changes of existing surfaces and plans showing the protective fencing or other measures required for the avoidance of damage to retained trees all in accordance with BS 5837 (2012) "Trees in Relation to Construction Recommendations". Such fencing shall be erected prior to any other site operation and at least 24 hours notice shall be given to the Local Planning Authority that it has been erected. The tree protection measures installed shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other
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equipment whatsoever shall take place within the fencing without the prior written agreement with the Local Planning Authority. The construction of the development shall be carried out in full accordance with the methodology set out in the approved arboricultural report.

Main Issues

2. The main issues are (i) the effect on the character and appearance of the existing dwelling and its surroundings, and (ii) the effect on trees protected by a Tree Preservation Order ('TPO').

Reasons

3. On the first issue, the Council's concern is that the proposed garage extension and alterations would be seen as an incongruous and disproportionately large addition that would harm the character and appearance of the appeal dwelling, the terrace of which it forms part, and the surroundings.
4. However, in my view the existing flat roof garages including the appellant's are unsightly and the addition of a pitched roof would be an improvement. The arrangement with the garage front facing out from the flank is somewhat unconventional, but the front view of a side elevation of matching brickwork relieved by the lobby door and a small window is entirely acceptable in design terms. Indeed it is preferable to the front of the garage facing outwards, as in my opinion because of their purely functional nature garage doors are rarely aesthetically appealing.
5. The Council also refers to the garage being 'disproportionately large'. However, the garage would be of the normal size relative to a dwelling and I see no reason why it would draw the eye as being too large or incongruous. I also note in the grounds of appeal, and have no reason to disbelieve, that this is the view of the neighbours who support the proposal. In summary on this issue, I find that there would be no harm caused to the character and appearance of the existing dwelling, the terrace of houses and their surroundings.
6. On the second issue, the Notice of Refusal refers to insufficient information being supplied with the application on the effect of the development on two protected birch trees. In this regard I have noted from the grounds of appeal that the appellant is unrepresented and has had considerable difficulties in communicating with the Council on the application and the trees in particular.
7. That said, I have noted the tree officer's concern and acknowledge that an arboricultural assessment is required. However, in my view the more westerly of the two trees is without doubt sufficiently distant from the proposed extension to not be affected by it. The other tree is much closer and is potentially at risk, but there is already an existing boundary wall and hard surfaced path within the area on which the garage would be extended. As the appellant points out, this has encouraged the tree to spread its routes away from the existing garage and under the front garden and adjoining grassed amenity area.
8. On balance, I consider that subject to the construction, in particular the foundations, being carried out in accordance with the written recommendations

of a suitably qualified person there is a good prospect that the protected birch tree would not be harmed in the short or long term.

9. On both the main issues I conclude that there would be no conflict with Policy CS2 of the Core Strategy for the New Forest District outside the National Park adopted in 2009 or with Section 7 'Requiring Good Design' of the National Planning Policy Framework 2012. I shall therefore allow the appeal.
10. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt, whilst a condition in respect of matching external materials will safeguard visual amenity. Finally, a condition requiring the preparation and implementation of an arboricultural report will ensure that the development proceeds on a basis that will avoid or at least minimise any harm to the protected trees.

Martin Andrews

INSPECTOR