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## Appeal Decision

Site visit made on 9 July 2019

**by D Peppitt BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 August 2019**

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**Appeal Ref: APP/P1940/D/19/3228885**

**Bracken Cottage, Bracken Hill Close, Northwood HA6 3EW**

- 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 Westcombe Management against the decision of Three Rivers District Council.
  - The application Ref 19/0426/FUL, dated 4 March 2019, was refused by notice dated 29 April 2019.
  - The development proposed is the erection of a detached garage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the long-term health of the Douglas Fir tree and the subsequent effect of this on the character and appearance of the area.

### Reasons

3. The appeal site comprises a two-storey detached dwelling with accompanying grounds, part of which contains an area of rolled gravel to the south of the property. The site and wider area, includes mature landscaping, including several varieties of evergreen and deciduous trees. The appeal site sits within a woodland area designated as W1 in the TPO<sup>1</sup>. Within the woodland, the applications supporting material identifies a Douglas Fir as T33 and an English Oak as T27. For clarity I have used these references within this decision. The trees in and around the appeal site, provide amenity value to the public and private areas of Bracken Hill Close, with the dense coverage being a key part of the street scene and surrounding landscape of the area.
4. The proposed garage would be constructed within the Root Protection Area (RPA) of T33 and would be approximately 3.8 metres from the centre of the trunk. The appellant has provided an Arboricultural Implications Report<sup>2</sup> prepared in accordance with BS 5837:2012<sup>3</sup>, and describes the tree as a category B1 tree. The report sets out the incursions into the RPAs of the existing trees that would be impacted by the development. The report describes the extent of incursion into the unsurfaced area within the RPA to be

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<sup>1</sup> Three Rivers (Bracken Hill House) Tree Preservation Order 191, dated 9 August 1984

<sup>2</sup> Report prepared by SJA air 18013-04a, dated February 2019

<sup>3</sup> Trees in relation to design, demolition and construction – Recommendations

0.2% of the RPA, due to the existing hardstanding. However, the full RPA incursion, including the garage and existing hardstanding, is shown to be 23%. The RPA incursion on T33 would exceed the recommended coverage of 20% as set out within BS5837:2012 and would be harmful to the future longevity of the tree. There are also incursions on other RPAs in the area, namely trees T26, T35 and T40. However, these incursions are less significant at 6%, 2% and 0.4% respectively.

5. The proposed garage would also incur on the RPA of the T27 tree (English Oak -category C2). However, this tree is proposed to be removed due to its poor physiological condition and to allow the garage to be located further away from the rooting environment of the remaining trees. There is no dispute over the felling of this tree. I observed this tree on my site visit and agree with the survey provided in the submitted arboricultural report.
6. The guidance in section 5.3 of BS 5837:2012 is that structures should be located outside of RPAs, and only where there is an overriding justification for construction within the RPA should technical solutions be considered to prevent root damage. The submitted arboricultural report suggests that the proposals will incorporate replacement tree planting. However, the scope of this has not been presented as part of the application plans. From the evidence before me, I am not persuaded that there is an overriding justification, or any substantial mitigation agreed with the Council for developing in the RPA of trees on site.
7. I note that there has been a previous appeal for this site<sup>4</sup>, albeit for a different use, of which excerpts have been provided. The Inspector's decision has been raised regarding the assessment of the Douglas Fir compared to the assessment provided by the appellant. The inspector assessed T33 as a favourable addition to the character of the area. The appellant's submitted arboricultural report does not score T33 favourably in comparison to other trees in the vicinity. I agree with the Inspector of the previous appeal that the tree contributes to the character of the area and makes a positive contribution to the group value of trees on the wider site. I also agree that its loss would have an adverse effect on the character of the area. T33 is a protected Category B1 tree which adds amenity value to the area due to the contribution it makes to the special character of the area, as such it is a tree worthy of retention. In addition, with a remaining life expectancy of at least 20 years, it has the potential to add to the quality of the area for some time to come.
8. The potential removal of T33 in this area would have a negative impact on the landscape, and as such the character and appearance of the site and wider area. This is due to the key role trees play within the site, the street scene and surrounding landscape of the area. Whilst views to the trees are screened at certain vantage points, views towards T33 are still possible from the public realm and for visitors Bracken Hill Close. The views toward T33 would be more apparent in the winter months when the deciduous trees would allow clearer views. Therefore, this would harm the character and appearance of the site and the wider area.
9. I find that the proposed development would be result in unacceptable harm to the long-term health of the protected Douglas Fir tree. This would be contrary to Policy DM6 of the Development Management Policies Local Development Document, adopted July 2013, which seeks to protect, retain and replace trees

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<sup>4</sup> Appeal ref: APP/P1940/W/16/3160949 – Dismissed on 23 June 2017

and ensure they are safeguarded during and after development. The consequence of this harm would be detrimental to the character and appearance of the area, contrary to Policy CP12 of the Core Strategy, adopted October 2011, which seeks to conserve natural assets and the existing local character.

### **Other Matters**

10. There is no dispute between the parties over the aesthetic design of the proposed garage and its effect on the living conditions of neighbouring occupiers. The design of the proposed garage itself would meet the characteristics of the local area and would not harm the character and appearance of the area. However, this does not outweigh the harm that I have identified.

### **Conclusion**

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*D Peppitt*

INSPECTOR