



Appeal Decision

Site visit made on 6 August 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/Q3115/D/19/3229552

4 Gardeners Copse, Sonning Common, Reading RG4 9JJ

- 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 Mark Rebholz against the decision of South Oxfordshire District Council.
 - The application Ref: P19/S0017/HH, dated 22 December 2018, was refused by notice dated 8 March 2019.
 - The development proposed is the addition of a single storey conservatory to the side and rear elevation
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed conservatory upon the character and appearance of the area, with particular reference to a protected Dawn Redwood tree.

Reasons

3. The appeal site consists of a detached dwelling located within a small cul-de-sac. A notable feature of the vicinity is the presence of tall mature trees, protected by a Tree Preservation Order (TPO). One of these trees is a mature Dawn Redwood which is spatially separate from the other trees. This tree makes a significant contribution to the character and appearance of the site, and the surrounding area. Furthermore, owing to differences in land levels, the Dawn Redwood, despite being located in a rear garden, is clearly visible from the surrounding area, including Kennylands Road (which is one of the main routes into Sonning Common). It therefore has significant amenity value.
4. The conservatory would be sited on an existing patio and would have substantially glazed side and rear elevations, in addition to a glazed roof. Owing to the presence of the tree, which has a substantial height, and its projecting branches, the level of outlook from the conservatory would be significantly restricted. Accordingly, the tree would have an overbearing effect on the conservatory.
5. In addition to the Dawn Redwood, the outlook from the conservatory would be further reduced by the presence of other trees outside of the appeal site. Given that the Dawn Redwood is within the curtilage of the dwelling, it therefore

seems likely that pressure would arise in the future to reduce the size of this particular tree.

6. Furthermore, this pressure is likely to be intensified by the close relationship between the proposed conservatory and tree. I note that some branches are already in proximity to the existing patio area. This restricted distance therefore limits the amount of space in which routine maintenance, or the clearing of dropped needles could take place.
7. The pressure to carry out works to reduce the size of the tree is of concern, as Harm to the tree would therefore lead to a demonstrable adverse impact upon the landscape setting of Sonning Common.
8. I acknowledge that the conservatory could potentially be constructed without causing harm to the tree and sufficient private garden space would be retained. However, these factors do not ensure suitable living conditions for users of the conservatory. As a result, pressure to carry out future reduction work is likely even if the tree does not get any bigger.
9. I note the appellant's suggestion that the Council would retain control over future works to the tree as it is covered by a TPO. However, in considering such an application, the Council would need to have regard to the reasons and information put forward in support of such an application. The poor living conditions caused by the proximity of the tree to the conservatory would be material to an application. Therefore, I am unpersuaded by this argument.
10. The appellant has also highlighted a conservatory, which has been constructed at 6 Gardeners Copse. Whilst I acknowledge that this conservatory is a comparable distance away from a protected tree (a Scots Pine), there are several significant differences between the two sites.
11. In particular, the garden of No. 6 is orientated differently so that the conservatory's side elevation features a greater amount of space, and therefore outlook, than would be present at the appeal site. Furthermore, this space is large enough to carry out routine maintenance to the structure and clear dropped needles. Accordingly, I do not believe that the presence of a conservatory at No. 6 allows me to set aside my previous concerns.
12. I therefore conclude that the proposal would harm the character and appearance of the area. The development therefore does not comply with the requirements of Policy CSEN1 of the South Oxfordshire Core Strategy (2012); Policies C9 and C4 of the South Oxfordshire Local Plan 2011 (2006); and Policy ENV2a of the Sonning Common Neighbourhood Plan (2016); which amongst other matters, seek to retain mature, or important, trees; ensure that sufficient space surrounds landscape features and to ensure their survival; and protect distinctive landscapes

Conclusion

13. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR