



Appeal Decision

Site visit made on 16 September 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 24th September 2019

Appeal Ref: APP/P1805/D/19/3233517

**The Tree House, 2 Orchard Close, Hagley, Stourbridge,
Worcestershire DY9 0LE**

- 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 Mrs Victoria Wilson against the decision of Bromsgrove District Council.
 - The application Ref 10/00142/FUL, dated 5 February 2019, was refused by notice dated 29 April 2019.
 - The development proposed is a single storey side and front extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development upon:
 - The character and appearance of the host property and the surrounding area; and
 - Protected trees.

Reasons

Character and appearance

3. The appeal property is a large detached dwelling situated on a generously proportioned corner plot at the entrance to Orchard Close. Although from the evidence submitted it is clear that the trees within the garden area at the side of the appeal property have been thinned, those that remain are mature and imposing specimens and contribute significantly to the spacious, yet verdant sylvan character around the junctions of Orchard Close, Thicknall Rise and Woodchester.
4. Orchard Close is a short residential cul-de-sac. The side of the cul-de-sac that the appeal property lies on is a short run of just three houses, with the neighbouring houses (Nos. 4 and 6) clustered around the street's turning head. Whilst it is thus true to say that such forward projecting elements as proposed in this instance are noticeable by their absence on that side of Orchard Close, they are not the uncharacteristic features the Council suggest. Indeed, substantial flat roofed garages projecting substantially forward of the main house are commonplace, not just on Orchard Close where examples were observed at Nos. 1, 3 and 5, but also elsewhere on Thicknall Rise and Ryefield Close.

5. However, where the appeal scheme and appeal site differ from those other examples is in the combination of the form and massing of the proposal, and the extension's relationship with the surrounding streetscene. Unlike many of the other examples of forward projecting garages, the appeal proposal would incorporate a pitched roof above with a gable elevation facing directly towards the Orchard Close street frontage. Furthermore, that gable elevation, which would be incongruous and jarring in its own right and at odds with the prevailing character of such built elements, would also be noticeably closer to the plot's street frontage than other examples.
6. Despite the timber fence and recently planted hedge around the site's front and side perimeter, the retained grass strip and generally open nature of No. 2's rear garden under the canopies of the mature trees contributes to both the sylvan setting of the site and the sense of openness of the surrounding area. Given these prevailing factors, the form and massing of the prominent, and prominently projecting, gable elevation and its proximity to the open frontage of the plot, would result in an imposing and incongruous extension at the entrance to Orchard Close. This would be at odds with the prevailing form and character of properties in the surrounding area and the general sense of openness here.
7. Bromsgrove District Plan (BDP) policy BDP19 sets out the Council's approach to delivering high quality design and ensuring that development enhances the character and distinctiveness of the local area. BDP policy BDP19 is supported by the Council's 'High Quality Design SPD' (the SPD) which sets out design guidance for, amongst other things, extensions to residential properties. The SPD advises that proposals should complement the original property in terms of scale and general massing, being in proportion to the existing property and avoiding the extension being the central feature of the building.
8. I do not consider there to be a particularly clearly defined building line on the 'even' side of Orchard Close given its limited length and the nature and layout of the properties around its turning head. Nor do I consider the principle of a front extension to be completely without precedent given the examples found on the opposite side of Orchard Close and elsewhere on surrounding streets. However, the proposed extension in this instance, and particularly the scale and massing of the gable fronted, forward projecting front extension, would be an unduly prominent, incongruous and imposing feature at odds with the spacious and open character and setting of properties on Orchard Close and the surrounding area. Its proximity to the front of the appeal site and to the Orchard Close street frontage would compound the imposing nature and uncharacteristic appearance of the resulting extended dwelling. Thus, the proposal would fail to deliver the high quality design sought by BDP policy BDP19 and is therefore contrary to that policy.

Protected trees

9. The proposed front and side extension would be positioned close to an existing group of trees to the side of the house, whilst the proposed site plan¹ also indicates the removal of a further three trees towards the front of the appeal site. I am advised that these trees, and others within the garden area of the

¹ Dwg No: 04

appeal property, are protected by virtue of a Tree Preservation Order² (the TPO).

10. Although it is stated that the appellant was advised that tree 5 is dying, tree 7 is not protected by the TPO and that the proximity of trees 6 and 7 to each other was responsible for a lean on the trees posing a safety hazard, I have no detailed evidence before me to substantiate these anecdotal claims. Indeed, evidence³ submitted by the appellant in the form of correspondence between the Council's Tree Officer, appears to contradict these matters.
11. The trees in question have a degree of prominence in, and contribute significantly to, the verdant setting of the appeal site and the area around the junctions of Orchard Close, Thicknall Rise and Woodchester. In the absence of any compelling evidence to the contrary, it has not been adequately demonstrated that the removal of trees 5, 6 and 7 as shown on the existing and proposed site plan⁴ is justified, or that the proposed extensions could be built in a manner that would avoid harm to the group of trees including trees 10 to 13. Whilst the Council's Tree Officer appears to confirm³ that trees 11, 12 and 13 are not afforded protection by the TPO, they nonetheless contribute to the character and setting of the surrounding area. The proposal would fail to demonstrate better management of Bromsgrove's natural environment that BDP policy BDP21 seeks.
12. Examples of other properties nearby where trees have been removed have been provided by the appellant. I do not have any further details of those properties, the trees in question or any designations that may apply thereto. I cannot therefore be certain that these examples provide direct comparisons with the appeal site and I have, in any event, determined the appeal on its own merits. Thus, I give these matters limited weight.

Other Matters

13. I can understand the appellant's frustration if they have experienced delays in seeking the detail of the Council's justification for the designation of the TPO, or from the alleged approach of the Council in responding to requests for advice and information. However, such matters are not within my jurisdiction and are for the appellant and Council to resolve.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

² TPO (5) 2015

³ Annex 1 – e-mail dated 01 April 2019 from Andy Bucklitch, Tree Officer, Bromsgrove District & Redditch Borough Council

⁴ Dwg No: 04