



Appeal Decision

Site visit made on 20 November 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/X2220/W/19/3234742

Land at Barnsole Road, Staple, Kent CT3 1LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr A Barker against the decision of Dover District Council.
 - The application Ref 19/00256, dated 25 February 2019, sought approval of details pursuant to condition No 1 of an outline planning permission Ref APP/X2220/W/16/3157696, granted on 20 January 2017.
 - The application was refused by notice dated 25 June 2019.
 - The development proposed is the erection of four houses.
 - The details for which approval is sought are: access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters").
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the effect of the proposal on the character and appearance of the area and (b) the adequacy of the proposed landscape measures having regard to removal of existing trees, the impact on retained trees and the nature of replacement planting.

Reasons

Character and appearance

3. The appeal site is rectangular in shape and comprises an open relatively flat unused grass paddock, with rows of trees and hedgerows to its boundaries. The site lies within an area of scattered built residential and commercial buildings. To the south is the Black Pig Public House and several mainly modestly sized buildings often positioned close to the road. There is a terrace of 4 small houses opposite the site whilst to the north are larger houses in substantial plots. The area is characterised by an informality and variety of development with no dominant theme in design or materials.
4. The proposed houses would all be large and of the same design, although two would be handed. Their layout would be more regular and formal than is commonplace in the area but given the local diversity of building form this would not unduly impact on the character and appearance of the area. The front elevations to the houses would be noticeable in Barnsole Road, but their design would not be unattractive. Facing materials have not been specified, but

these could be the subject of a planning condition to ensure a satisfactory appearance. There would be extensive areas of hard standing in relation to the parking arrangements but the landscape strip to the front of the site would soften the appearance of the development. The proposal would be in accordance with Paragraphs 124, 127 and 130 of the National Planning Policy Framework (the Framework) in providing guidance on achieving well-designed places.

5. The site does not lie within a designated settlement boundary and therefore is within the countryside for planning policy purposes. However, the land surrounding the appeal site is largely developed and the proposal would not be readily visible from the countryside around Barnsole. Moreover, the principle of the development has been established by the outline planning permission.
6. The design and layout of the buildings would not therefore conflict with Policy DM15 of the Dover District Council Core Strategy (2010) (DCS) which sets out criteria to control development that would adversely affect the character or appearance of the countryside. Similarly, neither would the buildings conflict with Paragraph 170 of the Framework which states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Trees and Landscaping

7. The proposal would involve the removal of all trees in two groups along the length of the site's frontage, all in one group along northern boundary and a large group on the rear western boundary. The appellant has submitted an Arboricultural Impact Assessment (AIA) that has examined trees at and adjacent to the site. In relation to impact on amenity at paragraph 3.14 and repeated in the conclusion at paragraph 5.6 the AIA states, *"Of the 4 groups that are to be removed, all with the exception of 1 have been categorised as grade C and should not constrain the scheme provided that an appropriate level of compensatory planting is undertaken. The removal of G4 is required to allow the access into each plot. It would not be appropriate to simply remove individual trees required to allow access to each plot as this would leave the trees susceptible to windthrow through the loss of companion shelter. If these trees are to be removed, then a substantial replacement planting scheme should be undertaken to mitigate the loss of the large trees"*.
8. There is an error in this comment in that it is the trees in G2 that are proposed to be removed to facilitate access; the group G4 is shown to be retained. The group G2 comprises mainly closely spaced tall poplar trees. As the group covers most of the frontage to Barnsole Road, these trees are conspicuous in the street scene and have high amenity value. Paragraph 2.8 to the AIA states, *"The highest quality trees on site are identified as G2, a linear group of Poplar, with instances of Cypress categorised as grade B. These trees form a substantial screen to the site when viewed from the east"*.
9. There is no footway to the site frontage and the removal of all trees along its length was made in relation to an originally submitted site plan showing two access points. The drawings were amended during consideration of the application to show a single central access following the recommendation of the highway authority to enable provision of necessary visibility splays. However, the tree removal/protection plan and landscape planting plan have not been updated to show the single access point. The revised access arrangements

would enable provision of larger amenity strips of land along the frontage. It has not been demonstrated that it would not be possible to retain a large enough stretch of the poplar trees to withstand the windthrow effect from the loss of companion shelter referred to in the AIA, particularly to the north of the access where the stretch is longest.

10. The trees in group G4 along the southern boundary to the site are shown to be retained and would provide a buffer to the car park on the other side of the boundary. However, the southernmost house would be sited within part of the root protection area for G4. The floor plans for the house show the kitchen, utility room and first floor bathrooms on the side of the house closest to the trees. It would be convenient to lay the related drains to this side of the house which would be within the construction exclusion zone (CEZ) for the house. The AIA at paragraph 4.10 states, *"It is often difficult to establish the exact routes of service runs until contractors are appointed and construction is in progress, however at the planning stage all efforts should be made to ensure that any new services run outside the CEZ of any retained tree"*.
11. Given the regular shape and unconstrained nature of the appeal site, there appears to be no good reason why at the planning stage that the southernmost house should be so close to the trees at G4. The proximity of the house to the trees would be likely to impact on the longevity of the only group of trees shown to be retained.
12. In granting outline planning permission, the Inspector commented on the contribution of screening to the acceptability of the proposal, *"Being well screened from all sides, the impact of four new houses on the wider countryside would be limited"*. The proposal involves the substantial removal of this screening rather than its erosion. Whilst it would be possible to impose a planning condition requiring approval of a revised landscape scheme based upon the single access layout, it has not been demonstrated that this would be adequate recompense for the scale of tree loss proposed and the threat to the few trees retained. Given the countryside setting of the site, trees with amenity value that could reasonably be retained should be retained as part of the development to assist in its assimilation in its surroundings. This would also ensure adherence with Policy DM15 and Paragraph 170 of the Framework that recognises the importance of trees in the intrinsic character and beauty of the countryside.

Conclusion

13. Whilst the design and layout of the buildings would not adversely affect the character and appearance of the area, it has not been demonstrated that the extent of tree removal proposed or the likely adverse impact on trees to be retained is necessary in the layout of the site for four houses.
14. I acknowledge the appellant's frustration in liaising with the Council on the appeal application, but the proposal needs to be considered on its individual merits. For the reasons given and having regard to all other matters raised the appeal is dismissed.

Rory MacLeod

INSPECTOR