



Appeal Decision

Site visit made on 2 July 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal Ref: APP/P2114/D/20/3244900

61A Mill Hill Road, Cowes, Isle of Wight PO31 7EQ

- 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 Sara Blackwell against the decision of Isle of Wight Council.
 - The application Ref 19/01383/HOU, dated 24 September 2019, was refused by notice dated 15 January 2020.
 - The development proposed is the formation of vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have used the description of development given on the appeal form and decision notice as it is more succinct than that on the planning application form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to a street tree.

Reasons

4. Mill Hill Road comprises an established residential area with mostly traditional dwellings facing onto and regularly set back from the street. The limited space in front of dwellings has in many cases been used as a parking area but in others a planted garden and front boundary remain. The presence of front gardens and street trees has a softening effect on the built form which overall results in a pleasant sub-urban character to the area.
5. 61A Mill Hill Road comprises part of a symmetrical, well-proportioned traditional detached residential building. At present there is a low brick boundary wall adjacent to the street with planting behind. The proximity and presence of a large street tree in front of the building makes a significant positive aesthetic contribution to the area, especially as the alignment of the street near the appeal site is generally straight, which allows for longer views from several directions. Consequently, the tree is a prominent feature in the street scene.
6. The proposal would utilise the space to the front of No.61A to form a parking space. This would require the grading of the pavement and dropping of the kerb in order to match the level of the carriageway. Given the proximity to the

tree, the crossover and regrading works would be likely to affect the area within which roots of the tree are present. The necessary excavation and compaction would be likely to cause damage that could threaten the long term health of the tree and potentially, its stability. This is reinforced by the comments of the Councils Tree Officer¹, who considers such damage would be extensive, which in view of his specialist knowledge attracts considerable weight.

7. In support of the proposal the appellant asserts that she does not intend to remove or harm the tree and that the London Plane species can withstand considerable root impact. Nevertheless, little specific evidence has been provided to show that the specimen in this case would not be adversely affected by the works proposed. It does not necessarily follow that because the tree has survived pavement repair works in previous years the proposal would have no harmful effect. Moreover, little detail is given in relation to those previous works, or whether mitigation or protection measures were employed. As such this attracts little weight.
8. My attention is drawn to the existence of a parking space close to a different street tree on the opposite side of the road. Be that as it may, the specimen appears to be slightly smaller than the tree adjacent to the appeal site. Moreover, the limited information provided does not indicate when the vehicle spaces were provided relative to the age of the tree. Neither is it demonstrated that there has been no harmful or restrictive effect in that case. I acknowledge that the comments of the Highway Authority, although noting the proximity of the tree, do not suggest that its presence would have an unacceptable impact on visibility or highway safety. Nevertheless, the location of the tree relative to the access would be likely to raise the risk of damage from vehicle impact and increase pressure for its removal in order to improve visibility.
9. Accordingly, I find that the proposal would be likely to threaten the well-being and long term retention of a prominent street tree, which would have a harmful effect on the character and appearance of the area. This would be contrary to policies DM2 and DM12 of the Island Plan, Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document, March 2012 (IP). Policy DM2 seeks to support high quality design for new development. It includes, amongst other matters, an expectation that development will have regard to existing constraints including trees which significantly contribute to the character of the area. Policy DM12, amongst other matters, seeks to conserve and enhance the landscape of the Island.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹ Email dated 14 January 2020