
Appeal Decision

Site visit made on 9 June 2020

by JP Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2020

Appeal Ref: APP/Q3115/W/20/3246553

Land rear of 4-6 Woodlands Road, Sonning Common, Reading, RG4 9TE

- 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 C Goodings against the decision of South Oxfordshire District Council.
 - The application Ref P19/S2312/FUL, dated 19 July 2019, was refused by notice dated 22 January 2020.
 - The development proposed is the erection of 3 bedroom dwelling on land rear of 4-6 Woodlands Road, new access road off Hazel Gardens and associated external works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The interested parties make reference to the recent removal of some of the frontage vegetation. However, I have considered this appeal on the basis on the submitted proposal and that is not a matter before me in the context of section 78 of the above Act.

Main Issue

3. The main issue is the effects of the proposal on the adjacent trees and the character and appearance of the area.

Reasons

The effects on trees

4. The site is part of a large garden and lies behind houses fronting Woodlands Road but is accessed off a side road, Hazel Gardens. The latter is characterised by its mature trees and hedges; the site itself has three trees on the frontage which are protected by Tree Preservation Order 16/2005. These are a silver birch, a cherry and an ash. The appellant's Arboricultural and Planning Integration (API) Report categorises them as 'B1', mature, with no notable effects and a life expectancy of 20-40 years. This report also confirms the 'good tree cover' on the site.
5. The ash tree canopy is visible alongside the silver birch and makes a notable contribution to the verdant character, being one of the highest trees here (the API report gives it a height of 18m). I noted on my site visit that the ash tree canopy is also visible from various points along Woodlands Road.

6. The proposal does not involve any works to the silver birch or the cherry trees. However, the ash tree which is nearest the dwelling would be pruned 2m on the south side to help clearance. The consultant arboriculturalist's statement suggests that lateral pruning would be likely to be ongoing every 4-6 years.
7. I acknowledge that the tree would not be harmed by the pruning, but the tree canopy is extensive and would be significantly reduced by the proposed pruning. Furthermore, the pruning would be to the south side of the canopy which appears to be most the significant part. The canopy would be visibly diminished as a feature on the skyline, thereby, notwithstanding the continued presence of the other two trees, undermining its contribution to the verdant character of Hazel Gardens and Woodlands Road.
8. The proposed dwelling would be sited only about 2.5m from the ash tree, and the proposed car parking spaces would be very close to the canopy of the tree. I consider that leaf litter and other debris falling on to cars would be inevitable bearing in mind the proximity of the tree and also its height. Similarly, the tree is close to the entrance of the house and the falling leaves would also be a likely nuisance.
9. Furthermore, there would be four windows on the elevation of the proposed dwelling facing the ash tree. One of these windows would serve a bedroom, and a second one a bay fronted drawing room, which appears to be intended as one of the principal rooms. Both of these rooms are deep and only served by these single windows, which would suggest they could be prone to poor light. Moreover, this elevation is orientated north westwards indicating that the available daylighting would be limited. The tree is tall and close to its two neighbours and consequently, I consider that daylighting to these windows would be impaired, even if the tree was pruned as proposed.
10. I have found that the proposed pruning would be harmful to the character and appearance of the area and that the proximity and orientation of the proposed dwelling to the ash tree would be likely to lead to pressure in the future for the tree to be felled or more drastically pruned.
11. In arriving at this conclusion, I acknowledge the development of the adjacent site. However, I observed on my site visit that particular development is set back and the frontage landscaping still dominates. The site is part of a large garden and lies behind houses fronting Woodlands Road but is accessed off a side road, Hazel Gardens. The latter is characterised by its mature trees and hedges; the site itself has three trees on the frontage which are protected by Tree Preservation Order 16/2005. The appellant's Arboricultural and Planning Integration (API) Report categorises them as 'B1', mature, with no notable effects and a life expectancy of 20-40 years. This report also confirms the 'good tree cover' on the site.
12. In light of my above findings the proposal would conflict with policies CSEN1 and CSQ3 of the South Oxfordshire Core Strategy (SOCS), and policies D1, C9, G2 and H4 of the South Oxfordshire Local Plan (SOLP), which require development to respect the character of the site and the surroundings, integrate into the landscape and resist the loss of landscape features. It would also conflict with policies D1, ENV2a and H3 of the Sonning Common Neighbourhood Development Plan (NDP) 2012-2027, which requires development to reflect the character of the village and enhance its wooded

character; similarly, South Oxfordshire Design Guide (SODG) 2016 which requires that developments allow space for trees so that they can flourish.

13. Following their determination of the application, the Council has drawn my attention to the emerging South Oxfordshire Local Plan 2034 (eSLOP) but state that this only has limited weight due to its current stage. This does not lead me to a different conclusion.

The effects of the proposed dwelling on the character and appearance of the area

14. The proposal would have its own access off Hazel Gardens and the house is orientated towards that frontage. The house is sited deep into the site leaving a significant space to form the front garden. The frontage trees would also remain, albeit that the ash tree is proposed to be pruned.
15. The 1m gap along the sides of the proposed dwelling would not be prominent from public view as it is sited deeply into the site. The dwelling would also be sited slightly tangential to Hazel Gardens which would make a through view along the sides unlikely. In any event, the sides would also be partly obscured by the adjacent new development and the frontage landscaping. There would also be potential space for new landscaping on the frontage which would provide further screening and softening. Moreover, views along Hazel Gardens are more along focused along its length by trees and vegetation rather than a side-ways aspect into the individual plots.
16. The Council state that the SODG recommends 100sqm for the rear garden of a three bedroom house, and this proposal provides 78.2sqm, which they believe means the development would appear cramped. However, this rear garden would not be visible from public view being obscured by other houses on all sides. The house itself would not be prominent and is separated further by its neighbours' gardens.
17. The previous appeal¹ decision here for a new dwelling was dismissed partly on grounds of the impact on character. I note that the siting is very different as shown in the comparative layout plans and there are also now 9 houses on the adjacent site. The footprint of this proposed dwelling would also be smaller than the earlier proposal.
18. The dwelling now proposed would be sited deeper into the site, leaving a spacious front garden. This deeper siting would also mean the dwelling would be less conspicuous and there is more scope for landscaping. Consequently, I do not find that earlier appeal proposal comparable with this current one.
19. I therefore conclude that the principle of a house, the garden width and size, would not be harmful to the character of the area, notwithstanding the tree impact. Policy CSQ3 of the SOCS and policies G2, D1, D3 and H4 of the SOLP seek to protect the character of the area, and similarly the eSLOP. Policies D1 and H3 of the NDP also seek to protect the character of the area. I therefore find that the proposal in these respects is not contrary to the above policies. I have found above that the proposal is contrary to the SODG, but not to adverse effect.

¹ APP/Q3115/A/13/2195102

Other matters

20. The interested parties raise parking, accessing, privacy and overshadowing implications. The proposed access arrangements show visibility splays would be provided in both directions and two parking spaces could be provided which would have been adequate. Both main parties agree that the arrangement is safe bearing in mind the nature of Hazel Gardens and I do not disagree. The proposed siting of the house and the positioning of fenestration would respect neighbouring living conditions.
21. The proposed house would contribute towards the housing land supply of South Oxfordshire. It would also support the use of local services in the village; it is in accessible location where the occupants could walk or cycle to facilities. There would also be an economic gain from the construction of a new house. However, these benefits would be very limited from only a single house, and do not override the impact I have found to the protected tree.

Conclusion

22. I therefore conclude that the appeal should be dismissed due to the impact on the protected tree.

John Longmuir

INSPECTOR