
Appeal Decision

Hearing Held on 22 September 2020

Site visit made on 14 September 2020

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2020

Appeal Ref: APP/W0340/W/19/3242425

Land North of Theobald Drive, Purley On Thames, Reading

- 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 D Wakefield of Donfield Homes against the decision of West Berkshire Council.
 - The application Ref 19/01511/FUL, dated 5 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is development of 7 detached dwellings with car parking, access and all associated landscaping and ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Before the Hearing I was provided with a copy of a completed signed planning obligation by way of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 14 July 2020. This deals with affordable housing and the long term management of the green corridor. I will discuss this in more detail later in this decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on trees;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether or not the site is suitable for housing development, having regard to the Council's strategy for housing delivery.

Reasons

4. The appeal site is a broadly rectangular area of land between Theobald Drive, a residential cul-de-sac of detached properties and Oxford Road, the A329, to the north. The site has a significant change of levels, elevated on Theobald Drive and lower on Oxford Road with which it has a long frontage indicated to be approximately 130 metres. It is approximately 40 metres wide, wooded and

forms part of a Green Corridor which runs along Oxford Road. An Area Tree Preservation Order¹ (TPO) covers the site.

Effect on trees

5. The appeal site is covered by a large number of trees of varying maturity, including non-native conifers and broadleaved trees. Within the site there are areas that are devoid of tree coverage and evidence of fallen trees and broken branches. There is extensive ivy coverage both on the ground and within the trees. Notwithstanding any gaps in canopy coverage, trees dominate the site and it is a small area of woodland.
6. An Area TPO is a way of protecting individual trees dispersed over an area. The Planning Practice Guidance (PPG)² advises that the area TPO category is intended for short-term protection in an emergency and may not be capable of providing appropriate long-term protection. It also only protects those trees standing at the time it was made.
7. It was agreed that the protection applies to trees and any regrowth from stumps of trees that were on the site at the time the TPO was served in 1993. The evidence is inconclusive about how many of the trees now on site would be covered. Nevertheless, the Council has identified that the site is the largest such area within the locality covered by an area TPO.
8. As part of a green corridor and an area of natural or semi-natural green space which includes woodlands, the appeal site contributes to the green infrastructure of the area. Green infrastructure, as a network of multi-functional space, is considered important as it supports natural and ecological processes and is integral to the health and quality of life of sustainable communities. For this reason, the Council seeks to protect green infrastructure through Policy CS18 of the West Berkshire Core Strategy 2012 (Core Strategy) which sets out that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.
9. In order to accommodate seven dwellings on the site fronting Theobald Drive, the proposed scheme requires the removal of 25 metres of woodland across a substantial section of the site, retaining two woodland 'buffers' which wrap around the development at either end. A significant number of trees and groups of trees, indicated to be in the region of half those on site including some covered by the TPO, would be removed. It is proposed to retain a 15 metre belt of woodland as a 'green buffer' between the proposed development and Oxford Road. This retained area of woodland, indicated to account for around 54 per cent of the site, would be enhanced by additional planting and management. No additional green infrastructure is proposed.
10. The appellant has provided a Tree Survey Report (TSR) which sets out that the trees or groups of trees are largely poor-quality with scrubland and self-seeded saplings. The TSR, which categorised trees based on guidance in British Standards³, identifies that most of the trees on site are considered to be either

¹ Tree Preservation Order TPO 201/21/0389

² Paragraph: 028 Reference ID: 36-028-20140306

³ BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations

Category C grade and of low quality and Category U trees, which are not suitable for retention. Only four trees and one group of trees are considered to be of moderate quality and classified as Category B.

11. Irrespective of the quality of the trees on the site, the appeal site, as part of a green corridor and an area of natural/semi-natural space, contributes to visual amenity and creates a sense of place along Oxford Road. The fact that the site is not publicly accessible does not diminish its contribution to these factors. I return to this in my reasoning on character and appearance later on in my decision.
12. In addition, the trees contribute to amenity in a number of other ways. They break up the built form of the urban area, provide screening and a green buffer between Theobald Drive and Oxford Road, may help to reduce road noise experienced in Theobald Drive properties as indicated by residents, improve air quality through carbon sequestration and make a positive impact to combating climate change.
13. No protected species have been identified within the site. However, as a relatively large area of natural green space, the site makes a positive contribution to biodiversity and the wider environment of the urban area, albeit whilst not identified to be of high ecological value. The deadwood and broken branches themselves provide habitat for creatures and plants.
14. The loss of a significant area of trees and natural green space and its replacement with buildings and domestic gardens would significantly diminish the site's contribution to the amenity of the area and green infrastructure.
15. The scheme proposes the retention of trees, including all Category B trees, within the retained green buffer supplemented by extensive replacement and enhanced planting to mitigate for the loss of trees and the reduction in the area of woodland. This proposed planting would be between retained trees and groups of trees and would include a combination of trees, shrubs and hedgerows. It would enhance the mix of species on site including the reintroduction of native species through which it is likely that there would be some enhancement of biodiversity on site. It would also be possible to retain some of the deadwood within the site given its habitat value. This could be secured through the management of the site.
16. Whilst the proposed planting being denser than the existing tree coverage on site could potentially have a similar positive effect on air quality, noise and climate change as the existing trees on site, no substantive evidence of this has been provided. However, even if this were to be the case, this would be dependent on the overall and long term success of the planting scheme.
17. The rear gardens of the proposed houses would be north facing and shallow, indicated to extend between 6.5 and 7.5 metres in depth from the ground floor rear elevation to the boundary fence which provides acoustic screening and separates the gardens from the woodland beyond. The sloping nature of the site means that the houses are in an elevated position in relation to Oxford Road. In order to effectively screen the development, the retained and some of the replacement trees would need to be tall. The submitted drawings indicate the retained trees and proposed planting, even though downslope from the proposed houses, would be tall enough to screen them from Oxford Road so that only very limited areas of their roofs would be visible above the trees.

18. With some clearance and thinning of the woodland, the retained trees which include sycamore, some of which are already over 15 metres tall, would have more space to grow, potentially reaching their maximum heights and ages. The height of these trees, in close proximity to the proposed houses due to the short length of the garden, would result in an enclosing effect, that would be both overbearing and oppressive for future occupants, potentially giving rise to safety concerns due to their height.
19. The proposed planting has been planned to minimise any tree canopy overhanging the garden. However, given that trees would be expected to grow phototropically, with the gardens of the proposed houses to the south, it seems possible that the retained and newly planted trees may result in some increased shading of this space. This does not however render the space unusable for future occupants. Nevertheless, this does not overcome the overbearing effect arising from the height and proximity of trees nor would it mitigate the significant inconvenience arising from leaf drop which would blow into rear gardens.
20. The UU would secure a management company for the purposes of managing and maintaining the green corridor in accordance with a management plan that has been approved by the Council. Whilst a management company would retain control over the woodland, this would not prevent future occupants from seeking to remove, thin or prune trees causing them concerns or annoyance. It would also not provide any certainty that this type of intervention to trees could be resisted in the long term. For the same reason, even if the trees were to be statutorily protected, this would not prevent removal or works to the trees in these circumstances.
21. There are benefits which are derived from living in close proximity to trees including the potential for temperature regulation around buildings and providing insulation. However, no substantive evidence has been provided to demonstrate this benefit in association with the development of seven domestic properties in this location.
22. The landscape plans and submitted Tree Management Plan, by virtue of the proposed landscaping condition agreed by both parties, would be the approved management plan. These indicate considerable areas of overlap between the canopies of trees which would physically reduce the space for each tree or shrub to grow. The Council's tree officer has indicated that this could reduce the establishment of any proposed planting due to competition and potential damage to each other during growth.
23. It is intended that any trees or plants that need to be removed, or become diseased or damaged, within five years of the completion of the replanting works would be replaced and the appellant has indicated that he would accept a condition to secure this. However, if there is insufficient space for the amount of planting proposed in combination with the retained trees, this could require the permanent removal of some of the planting or for a reduced planting scheme. I have no substantive evidence that this would not need to be the case. Whilst the UU requires the maintenance of the green corridor in accordance with the approved management plan, this does not prevent the management plan from being amended with the Council's approval. I cannot therefore be certain that the proposed planting would be effective in mitigating the loss of trees on site in the long term.

24. The proposed planting within the area retained as a tree belt would be extensive and include many native species which would be benefits of the scheme. However, due to the proximity of the proposed houses to both the retained trees and proposed planting, it would be unlikely that the planting could provide the level of mitigation and enhancement envisaged without giving rise to nuisance for future occupants of the proposed development.
25. The site would benefit from management, including thinning or felling to open up the area to allow more space for better specimens to grow. Without this there is likely to be some further decline of trees within the site, especially as I heard that the ash trees on the site are likely to succumb to ash dieback disease given it is now in the locality. However, it seems to me that whilst there would be some benefit in the management of the site both now and in the future, this does not in itself justify the removal of a significant section of the woodland and its replacement with built development.
26. This leads me to conclude that the proposed development would adversely affect trees. It would therefore be contrary to Policies CS14 and CS18 of the Core Strategy which together seek development that makes a positive contribution to the quality of life, conserves and enhances biodiversity and does not result in the loss of green infrastructure unless suitable alternative of equal or greater size and standard provision is made. It would also conflict with the National Planning Policy Framework (the Framework) which seeks to conserve and enhance the natural environment and for development to contribute to this by recognising the wider benefits of trees and woodland.

Character and appearance

27. The section of Oxford Road extending from near the Roebuck Public House in the east to the roundabout at Knowsley Road in the west is characterised by areas of woodland and tree lined planting of varying depths. The south side of Oxford Road, on which the appeal site is located, has long sections with no footpath and the woodland directly abutting the carriageway which softens the character of the area giving it a semi-rural appearance. The opposite side of Oxford Road has a footpath along its length. It is characterised by trees and understorey planting of varying depths along much of its length, set behind low walls and close-board fencing.
28. There are a limited number of short sections of brick retaining walls, including at the entrance to Theobald Drive, which have introduced more engineered and urbanised features on the southern side of Oxford Road. There are also areas of recent residential development either end of this stretch of Oxford Road, which have a more prominent built form and urban character. Nevertheless, the predominant character along Oxford Road, particularly its southern side, is both verdant and sylvan.
29. The appeal site forms a wide belt of vegetation and woodland with a long frontage to Oxford Road. Whilst individually the trees are unremarkable and have not been identified as being of high quality, together they contribute to the pleasantness of the locality and soften the effect of Oxford Road. Due to the height of some of the trees and the extent of the site, which is the most extensive section of woodland along this stretch of Oxford Road, it contributes to long distance views of the green corridor which it significantly enhances.

30. The houses on Theobald Drive are upslope from the appeal site, behind long front gardens and face towards a line of dense conifers and trees along the edge of the woodland. This gives Theobald Drive an attractive, verdant and tranquil character.
31. Due to the sloping topography and the incomplete coverage of the site with trees, the contribution of the appeal site to the character and appearance is reliant on the depth of planting through the site. Within the area of the appeal site to be retained as a green buffer there are significant gaps between trees and groups of trees. The proposed reduction in the depth of the trees along this stretch of Oxford Road would open up the area, exposing views of the proposed boundary fences with the houses beyond.
32. The retention of a 15 metre belt of trees with the proposed additional and denser planting would provide visual continuity of the green corridor, however, it would not provide the depth of planting that the site currently benefits from. In view of my earlier findings in respect of the proximity of the proposed houses and trees, there is a significant risk that the retained trees or new planting would be thinned or removed over time.
33. It is evident that the character along Oxford Road has changed as a result of recent developments at Rawlins Rise and to a lesser extent on Roebuck Rise. The Rawlins Rise development is characterised by substantial properties and an access road which are prominent in an elevated position behind quite immature and sparse planting. Although noting that the development built around Rawlins Rise was not that which was allowed under appeal⁴, with the benefit of viewing the development some four years on it seems to me that this section has not largely maintained its attractive tree lined appearance as envisaged by the Inspector for that appeal. The character and appearance of the green corridor in this location has significantly diminished as a consequence.
34. The proposed development would be unlikely to be as prominent at the Rawlins Rise development due to the number of retained semi-mature trees. The houses would also be set back further from Oxford Road than the Rawlins Rise development. Nevertheless, the construction of houses with associated domestic features including gardens, patios, windows and fences, would change the character of the woodland. Moreover, the light spill from the houses would penetrate through to Oxford Road with a concurrent loss of the green corridor value of the site. The proposed planting appears to be largely of deciduous trees and it seems to me that the proposed houses would be visible through the woodland during the winter months, with the illumination and light spill from windows significantly adding to this.
35. Whilst it is characteristic to glimpse views of dwellings set at a higher level than the road itself on the southern side of Oxford Road, the appeal scheme proposes houses and domestic boundaries in the form of fences which would be closer and more visually prominent through the trees than these other developments. It would also be more apparent and prominent than development on the opposite side of Oxford Road which sit downslope from the road. Although views into the site would be transient in nature, either from vehicles or pedestrians travelling along Oxford Road, this is a busy road so those views would be frequently experienced. This would be harmful to the character and appearance of the streetscene and the green corridor.

⁴ APP/W0340/A/12/2189422

36. The proposed houses have been designed to accommodate the site's topography and reduce their visual impact. In addition, the provision of managed replacement planting with relatively tall semi-mature trees which could be planted as feathered specimens to improve their immediate coverage, a hedgerow and under canopy planting would provide screening to the proposed development. From what I heard, within five years the density of the planting would largely mitigate the visual impact from the loss of trees when viewed from Oxford Road. However, as I have determined that the replacement planting would cause concern and inconvenience to future occupants of the proposed development it would not mitigate this harm.
37. I conclude that the proposed development would significantly harm the character and appearance of the area. It would therefore conflict with Policies CS14, CS18 and CS19 of the Core Strategy. These policies together seek development that respects and enhances the character and appearance of the area, conserves landscape character and resists the loss of green infrastructure. It would also conflict with the design objectives of the Framework which seek developments that are sympathetic to local character including landscape setting. It would also not accord with the West Berkshire Council's Supplementary Planning Document Quality Design 2006 which seeks development that contributes to local character.

Suitable location

38. The Council's strategy for the delivery of housing is set out in Policy ADPP1 of the Core Strategy. This sets out that most new development will take place in West Berkshire's main urban areas. The preamble to the policy sets out that green infrastructure such as semi-natural features will be protected, including networks of green wildlife corridors and spaces.
39. Policy CS1 of the Core Strategy further expands on this and sets out that new homes primarily be developed on identified strategic sites, broad locations or land allocated for housing, previously development land or other suitable land within settlement boundaries.
40. The appeal site is within Purley On Thames which forms part of the main urban area. It is therefore within a settlement boundary. It is within an accessible location. However, it is not an allocated site nor is it previously developed land. As such, it is considered to be greenfield land and the question is therefore whether the site can be considered 'other suitable land'.
41. The site is covered by an Area TPO. Whilst this category of TPO is intended as a short-term measure and should ideally be reassessed, the fact that this has not been done does not confirm that the trees should no longer be protected in the interests of amenity. Nevertheless, given the length of time since the Order was served and the lack of certainty as to how many trees now on site would be covered by the TPO, I give the TPO status of the site reduced weight.
42. Notwithstanding the TPO, the site is undeveloped land and makes a significant contribution to the landscape character of the green corridor along Oxford Road which would be diminished. In addition, it forms part of the green infrastructure of the area which would be harmed by its reduction in size. This leads me to conclude that the site is not suitable for housing development.

43. The Council is meeting its housing delivery target and has indicated that it has a 7.6 year of housing land supply. This in itself, does not preclude development on this site. However, I have determined that the development of this site would be harmful.
44. I conclude that the site would not be suitable for housing development, having regard to the Council's strategy for housing delivery. It would therefore conflict with Policies ADPP1 and CS1 of the Core Strategy which guide development to existing settlements, with most development to take place on previously developed land or other suitable land with settlement boundaries. It would also not accord with the Framework which supports the development of suitable windfall sites.

Other Matters

45. The proposed development would provide seven detached houses which would be part single/part two-storey with additional accommodation within the roof. These have been designed to work with the sloping topography of the site and the scheme provides satisfactory amounts of internal and external space.
46. The provision of seven family dwellings including one affordable unit would be a social benefit of the scheme. The proposed development would support modest growth in an accessible location where new residents would use and support local services and facilities. There would be some financial gains in respect of Council tax and CIL receipts. There would additionally be some benefits locally with local trades people gaining employment. In addition, there would be the long term funding of the retained green corridor. These would be economic benefits of the scheme.
47. Environmental benefits would include the immediate and long-term management of the woodland, use of land in an accessible location with limited reliance on the private car and the construction of energy efficient houses which would reduce carbon emissions over building regulations targets. These are positive aspects of the scheme. The fencing to the domestic gardens would have mammal gaps to allow unimpeded movement for wildlife. However, this would not compensate for the loss of a substantial area of semi-natural space.

Conclusion

48. The proposal would be contrary to the development plan taken as a whole and while there are some benefits identified in the proceeding paragraphs these, neither individually nor cumulatively, provide sufficient weight to allow determination of this appeal not in accordance with the development plan.
49. For this reason, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Kim Cohen	Planning Consultant
Jane Harrison	Planning Consultant
Sarah Venners	Arboriculturalist
David Williams	Landscape Planner

FOR THE COUNCIL:

Matthew Shepherd	Senior Planning Officer
Jon Thomas	Tree Officer

INTERESTED PERSONS:

John Drabble	Chairman, Theobald Drive Residents Association
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