



Appeal Decision

Site visit made on 24 September 2020

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020.

Appeal Ref: APP/Z2260/D/20/3249892

2 Holly Gardens, Margate CT9 3NF

- 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 & Mrs Drummond against the decision of Thanet District Council.
 - The application Ref FH/TH/19/1507, dated 1 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is a 2-storey extension to the existing detached house and new detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined, the Council has adopted the Thanet Local Plan July 2020 (LP). This replaces the previous Local Plan and the policies cited in the Council's refusal notice no longer apply. The main parties have been consulted on the matter and I am satisfied that no prejudice would arise by the consideration of the appeal proposal against the policies of the now adopted LP.

Main Issue

3. The main issue is the effect of the development on the trees within the site and the consequent impact on the character and appearance of the area.

Reasons

4. The appeal site is located in a backland setting and relates to a detached dwelling, accessed from the west side of Holly Gardens via a driveway between the rear gardens of properties fronting Northdown Road and no. 4 Holly Gardens. A number of mature trees lie within the site, all of which are the subject of a Tree Preservation Order (TPO). By reason of their location and size they make a positive contribution to the character and appearance of the surrounding area.
5. From the appellant's survey I note that the proposed extension to the dwelling would be sited outside the root protection areas and crowns of the trees. Conditions could be imposed to protect the trees during construction, to control the storage of materials within the site and to secure the adoption of appropriate construction techniques.

6. However, there would still only be a limited gap between the proposed extension and the crowns of some of the trees. I have noted that the primary habitable windows face towards the north east, and therefore away from the trees in respect of natural light. Nevertheless, I am of the view there would be the potential for other nuisance associated with the proximity of the trees to the proposed extension, including falling leaves and debris. I am also mindful that the remaining amenity space in this part of the site would be overshadowed and dominated by the trees, which would limit the use of this area by the occupiers.
7. Whilst certain measures could limit the effects of leaves and debris, for example cleanable traps and downpipe chains, in my opinion the maintenance and overshadowing issues that would arise may lead to pressure to cut back or remove the preserved trees in the longer term, which the Council would find difficult to resist.
8. In order to construct the detached garage it would be necessary to remove 3 trees that are visible from Holly Gardens over the gates at the front of the driveway. The appellant's survey indicates that T02 has partially failed and is of low quality and value, whilst G01 and T01 are overall in fair condition. Based on my site visit, I generally concur with these assessments.
9. I acknowledge that T02 likely has irredeemable issues and that the removal of this tree in the near future is likely irrespective of this appeal proposal. Nevertheless, the appellant's survey estimates that if trees G01 and T01 were to be retained that they have a remaining contribution of 10 to 20 years, which is a not insignificant period. Both specimens make a positive contribution to the character and appearance of this part of the site and accordingly their removal would be unacceptable.
10. I acknowledge those matters that have been advanced in support of the development, including the fact that the applicant has never intended to remove the trees, the proposals are of an appropriate design and there would be no adverse effects on the living conditions of the residents of surrounding properties. These however do not outweigh the harm that I have identified above.
11. I therefore conclude that the proposal would fail to ensure the proper retention of preserved trees, causing harm to the character and appearance of the area. It would be contrary to policies SP14 and QD02 of the LP that seek to retain existing trees that positively contribute to the quality and character of an area. It would also be inconsistent with the advice in the National Planning Policy Framework which seeks to conserve and enhance the natural environment.

Conclusion

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

C Hall

INSPECTOR