



Appeal Decision

Site visit made on 15 February 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2021

Appeal Ref: APP/X0360/W/20/3262427

123 Loddon Bridge Road, Woodley RG5 4AG

- 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 H Kang against the decision of Wokingham Borough Council.
 - The application Ref 201113, dated 7 May 2020, was refused by notice dated 17 August 2020.
 - The development proposed is boundary wall (brick with iron rail) new side access and cross-over to front drive.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Wokingham Borough Council against Mr H Kang. This application is the subject of a separate Decision.

Procedural Matter

3. The Council's reason for refusal referred to insufficient arboricultural information being provided. During the course of the appeal, the appellant submitted an updated Tree Protection Plan (TPP)¹. I have sought the views of the Council on this additional information and have had regard to the submissions made by both parties.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to a protected tree.

Reasons

5. The appeal site occupies a corner plot at the junction of Loddon Bridge Road and Coniston Close. The frontage to 123 Loddon Bridge Road (No 123) is elevated above the footpath by about 600mm. There is a mature copper beech tree within this bank, which is protected under a Tree Preservation Order². This is not shown on the submitted plans.
6. The protected tree has an upright and straight main stem and balanced canopy. As one of the largest trees in the street scene and prominent in views

¹ Drawing Number: 105/14056/3/2020 TPP dated 18 August 2020

² Tree Preservation Order No. 1544/2016

along Loddon Bridge Road and Coniston Close, it makes a positive contribution to visual amenity and the character and appearance of the area.

7. The appeal proposal is similar to a scheme recently dismissed on appeal³ where the Inspector concluded that excavations near the protected tree could damage the tree roots with potentially adverse impacts on its future longevity, health and stability. The main difference between the earlier scheme and the one before me is the height of the wall, which has been reduced from 1.6 metres to just under 0.9 metres in height along the Loddon Bridge Road frontage. It includes a tall brick pier of around 2 metres at the corner with Coniston Close along which the wall extends at a higher level but at the same height to that fronting Loddon Bridge Road.
8. Whilst the overall height of the wall would be reduced from the previously dismissed scheme, its location would remain the same. The appellant maintains, as he did previously, that the proposed wall would be built on a former wall's footings. A vehicular access previously occupied part of the Loddon Bridge Road frontage and any former wall would not have extended its full length. The updated TPP indicates that a reinforced concrete beam would be used to bridge the obsolete entrance and for the proposed wall to be constructed on top of this.
9. The wall being proposed as part of this appeal would be part freestanding and part retaining and would require adequate footings, wide enough to support its weight. No substantive evidence has been submitted to demonstrate that this would be achievable. In this regard, I note that the previous Inspector considered the existing footings did not appear wide enough. I have no reason to disagree with this finding.
10. In line with the advice set out in the British Standards⁴ the shape of the root protection area (RPA) should reflect a soundly based arboricultural assessment of the likely root distribution. The appellant's TPP indicates a circular RPA centred on the tree. However, given the different levels within the site, the pre-existing site conditions and areas of hard standing, it is likely that the rooting has occurred asymmetrically and not as shown on the TPP.
11. Given the uncertainty about the extent of the RPA, the proximity of the wall to the tree trunk and the limited information about any previous footings, I cannot be sure that the proposed wall would not require excavation and construction works within the RPA. For these reasons, I cannot be certain that it would not result in root damage with harmful effects to the health, stability and long term retention of the tree.
12. This leads me to conclude that the proposed development would harm the character and appearance of the area, through harm to the protected tree. This would be contrary to CC03 of the Wokingham Borough Managing Development Delivery Local Plan 2014 which require new development to protect and retain existing trees and the more general design requirements of Policy CP3 of the Wokingham Borough Core Strategy 2010 which requires development to maintain the ability of the site to support flora and contribute to a sense of place.

³ APP/X0360/D/19/3236804

⁴ BS5837:2012 Trees in relation to design, demolition and construction

Other Matters

13. The proposal has been supported by a local resident due to concerns about safety and the unsightly appearance of the site. However, whilst these are understandable concerns, they do not justify the harm to the tree and wider character and appearance of the area that would arise from the development.
14. The enclosure of the site would provide additional privacy and security for the occupiers. However, it seems to me that there are alternative ways of providing this without causing harm to the protected tree.
15. The relocation of the driveway access to Coniston Close would provide a more convenient and safer vehicular entrance to the site. However, it does not outweigh the harm that would arise from the proposed boundary wall that I have identified. It does not therefore alter my findings in respect of the appeal.

Conclusion

16. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR