



Appeal Decision

Site visit made on 4 March 2021

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/R3325/D/20/3261324

The Oaks, 141 West Coker Road, Yeovil BA20 2HH

- 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 Rickards-Sanger against the decision of South Somerset District Council.
 - The application Ref 20/00434/HOU, dated 11 February 2020, was refused by notice dated 17 September 2020.
 - The development proposed is described as 'The erection of a detached garage (retrospective)'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage at The Oaks, 141 West Coker Road, Yeovil BA20 2HH in accordance with the terms of the application, Ref 20/00434/HOU, dated 11 February 2020 and the plans submitted with it, subject to the following conditions:
 - 1) No works shall be carried out to install any new servicing and drainage to serve the garage (including water and electricity supply, electrical and telephone supply or measures to manage rainwater or surface water) unless in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Once carried out such works shall not be altered without the prior written consent of the Local Planning Authority.

Application for costs

2. An application for costs was made by Mr and Mrs Rickards-Sanger against South Somerset District Council. This application is the subject of a separate Decision.

Procedural Matter

3. I saw at my site visit that the garage had been erected and appeared to accord with the submitted plan, other than that there were doors across both bays of the garage. I have therefore determined the appeal on the basis that the development has already taken place.

Main Issue

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

Reasons

5. The appeal site and its neighbours are a small group of substantial dwellings on large plots surrounded by denser suburban development. The mature trees along the frontage of these properties are a prominent and distinctive feature in the street scene. They are protected by a Tree Preservation Order and contribute positively to the character and appearance of the area. In contrast to the wooded character of the frontage of this row of properties, the area around the garage is relatively open, several trees having previously been lost area due to storm damage. Although they have been replaced, those replacements are still small.
6. It appears that some of the replacements may not be in their original planting positions, however it is unclear whether any changes were needed to build the garage, or whether they were agreed with the Council. In any event, there is space between the replacement trees and the garage and as such, the building would not prejudice the long-term regeneration of tree cover at the front of the site.
7. Due to the size and position of the garage it is clearly visible from West Coker Road, however existing mature vegetation provides significant screening when approaching the site in both directions, and therefore it is only visible for a short distance. There are no other outbuildings forward of dwellings in this row of four properties, but there are other large garages visible from the road in the development opposite. The timber cladding is somewhat different to the materials of the host property and its neighbours, however it has already weathered to a light brown and the natural finish complements the wooded character of the area. Over time the Laurel hedge will also provide further screening. Consequently, the garage does not appear prominent or out of place in the street scene and the building itself does not harm the character or appearance of the area.
8. There is no compelling evidence before me that the construction of the garage required the removal of any trees. However, it has been constructed within the root protection areas (RPA) of a large Sweet Chestnut (T1) and a large Oak (T2). The RPA is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability. Therefore, the protection of roots and soil structure within the RPA is important to the health of trees.
9. Due to its siting, there is potential for the garage to have damaged the root systems of T1 and T2, which could impact on their long-term health and retention. Given their size and prominence from the road, the loss of these trees would have a significant adverse impact on the character and appearance of the area.
10. Some excavation of the gently sloping site was carried out to create a level platform for the garage, with ground levels reduced by up to 25cm. The appellants advise that this was carried out by hand. Due to the original slope of the land there would have been very little change to ground levels within the RPA of T1, and therefore the excavation is unlikely to have had any significant impact on that tree.
11. Given the proximity of the excavation to T2 however, it is likely that it caused some root damage, and the Council has identified a severed root close to that

tree. There is some dispute in the arboricultural evidence about the likely depth of the roots of this tree, and the Council casts doubt on the appellants calculation that only approximately 1% of the tree's rooting volume will have been affected by the excavation. It does not however provide an alternative figure. Even if the tree were as shallow rooted as the Council suggests, the appellants suggest that the excavation would only have affected around 3% of the volume of the RPA of that tree. Most of the rest of the RPA is unaffected by buildings or structures. Overall therefore, I find that the excavation is unlikely to have had a significant adverse effect on the root system of T2.

12. The garage was then constructed as a timber structure with 6 posts sunk into individually dug holes and no other foundations. Those holes occupy a very small proportion of the RPAs of T1 and T2. Consequently, the opportunity to encounter roots would have been very limited and the impact of digging these holes on the overall root systems would have been minimal. The surface within the garage is a CellWeb system filled with gravel, which is unlikely to have impacted on root systems.
13. I recognise that damage to root systems can take several years to become apparent in the health of trees. However, given the limited extent of the likely impact on the root systems of trees T1 and T2, there is no substantive evidence before me that the construction of the garage has had long-term adverse effects on their health.
14. Because it covers the ground with a solid roof, the garage prevents rainwater reaching the ground as it did previously. However, no guttering or downpipes are fitted and the ground surface is gravel, allowing rainwater to drain into the ground around the garage. As such it is unlikely to have significantly reduced the availability of rainwater to the roots of the trees.
15. If the garage were to be connected to services or if measures to manage surface water or rainwater were installed, this could involve excavation, trenching or otherwise alter the conditions around the trees, potentially adversely impacting on their health. Although it is not the appellants' intention to undertake such measures, future owners may decide otherwise. Details of such works and approval of methods of working could however be controlled by a planning condition.
16. The Council has also raised concerns about damage to T2 and another tree, T6, from landscaping works, construction of a raised bed adjacent to the garage, construction of a driveway, cabling serving a CCTV mast and a fountain. These do not however form part of the description of development and the appellants are clear that they are not included in this appeal scheme. Therefore, they fall outside the remit of what I can consider in this appeal. I also note that details of the driveway may have been covered by planning conditions on a separate permission relating to construction of Coker Lodge, a new dwelling adjacent to No 141. Any breach of planning control is a matter for the Council, which has discretionary enforcement powers in this respect.
17. Accordingly, I find that the garage does not harm the character and appearance of the area and has not significantly adversely affected protected trees which contribute positively to local character. I therefore find no conflict with Policies EQ2 and EQ5 of the South Somerset Local Plan which require development to preserve or enhance the character and appearance of the area

and the local distinctiveness of the landscape, and to protect green infrastructure against the adverse impacts of development.

Other Matters

18. The area is of archaeological interest, however the construction of the garage with only 6 posts sunk into the ground is very unlikely to have resulted in any damage to archaeological features. This does not therefore justify refusal on these grounds or a requirement for archaeological investigation.
19. The garage faces towards Coker Lodge, however it is some distance from that property. The shared driveway area in front of Coker Lodge is also relatively open to view from the road, and as such the front of that property is not wholly private. The garage is unlikely to be used frequently or for prolonged periods, therefore its use would not result in an unacceptable increase in overlooking of Coker Lodge, and would not significantly adversely impact the living conditions of the occupiers.
20. An interested party suggests there was a manhole in front of the garage, indicating further excavation has taken place. Although I could see no cover on the site at the time of my visit, a hole can be seen in some of the construction photographs. The appellants advise however, that this is a Victorian overspill drain. Even if it were a new excavation, it does not form part of the development before me, therefore it would be a matter for the Council and separate from this appeal.

Conditions

21. As the development has already been completed there is no need for conditions to secure implementation or compliance with the plans. For the reasons set out above a condition is necessary regarding future services and water management measures, however I have amended the Council's suggested wording to include specific reference to rainwater and surface water management.
22. There is no substantive evidence before me that the construction of the garage resulted in any loss of bird nesting habitat, therefore it is not necessary to impose a condition to secure mitigation as suggested by the Council's Ecologist.

Conclusion

23. For the reasons given above, the appeal is allowed.

L McKay

INSPECTOR