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# Appeal Decision

Site Visit made on 6 April 2021

**By Martin Small BA(Hons) BPI DipCM MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15 April 2021**

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**Appeal Ref: APP/P2114/D/20/3260733**

**3A Nelson Crescent, Ryde, PO33 3QN**

- 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 Colin Stretch against the decision of Isle of Wight Council.
  - The application Ref 20/00193/HOU, dated 31 January 2020, was refused by notice dated 3 September 2020.
  - The development proposed is roof alterations for loft conversion and single storey rear extension - revised scheme.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the trees adjacent to the southern boundary of the site.

## Reasons

3. The appeal property is a bungalow located at the end of a short cul-de-sac. Being a later addition, the property is located on a smaller plot than those prevailing on Nelson Crescent. Immediately adjacent to the southern boundary of the property are 3 mature oak trees with another mature oak just beyond the rear boundary of the property. These are identified in the Tree Survey submitted with the application as T2, T3, T4 and T5. The trees are part of a line of trees believed to have once formed part of a field boundary, the majority of which are protected by a Tree Preservation Order including, it appears, T3 and T5.
4. All 4 trees are highly visible from Nelson Crescent to which they provide a backdrop. Due to their size and form, they contribute significantly and positively to the character and appearance of the area. In accordance with Table 1 Cascade chart for tree quality assessment in *BS5837: 2012 'Trees in relation to design, demolition and construction – Recommendations'* the Tree Survey identifies T2, T3 and T5 as category B trees i.e. of moderate quality with an estimated remaining life expectancy of at least 20 years. These trees therefore have the potential to continue contributing positively to the character and appearance of the area for a significant period of time. Their retention and protection are thus important.
5. The crown of T2 partially overhangs the existing dwelling and the crowns of T3 and T5 partially overhang the rear garden of the property. The root protection

- areas (RPAs) of these trees, and that of T4, extend into the property. The proposed rear extension would extend significantly further into the RPA of T2 and, to a lesser extent, into the RPA of T3.
6. The proposed use of a concrete slab laid at ground level supported by piles as a foundation would minimise the impact to the roots of T2. The use of a percolation system could overcome the reduction in the area of potential water and nutrient availability for this tree. However, I have no specific details of the proposed foundation or of the percolation system before me.
  7. Table B.1 of BS5837 advises on the appropriate level of information required to enable the proper consideration of the implications and effects of a development proposal, identifying 'Minimum detail' and 'Additional information'. The latter are details that may reasonably be sought, "*especially where any construction is proposed within the RPA*", including "*details for all special engineering in the RPA*". I consider that these details are necessary to demonstrate satisfactorily that the proposed rear extension would not be significantly harmful to T2. BS5837 indicates that these details should be included within planning applications and so it would not be appropriate to require them through a planning condition as suggested by the appellant.
  8. Given the orientation of the property relative to the trees, the rear garden is substantially overshadowed by the trees as indicated on the Tree Constraints Plan. I am not persuaded that the proposed rear extension's greater proximity to T3 or the proposed loft conversion would result in significantly greater overshadowing of the extended dwelling. The proposals would not necessitate the removal of any trees and I accept the need to remove the lowest branches of T2 to avoid damage to the roof of the existing property independently of the proposed extensions. I have no evidence that the appellant has sought to lop the trees during his occupation of the dwelling prior to the submission of the previous application for the proposed development<sup>1</sup>.
  9. Nevertheless, there is no certainty that the appellant's tolerance will continue, particularly if the proposed rear extension is constructed. The appellant is suggesting lopping T3 and T5 even though this would not appear to be necessary to accommodate the extension. The extension would result in a reduction in the area of the garden not overhung by the crowns of T2, T3 or T5, leading to a greater feeling of dominance by these trees in the remaining limited garden area. Consequently, the extension would be likely to lead to greater pressure to lop T3 and T5. This would result in some loss of the balanced crowns of these trees with consequent detriment to their appearance and potential future damage.
  10. I therefore conclude that that the proposed rear extension would be detrimental to the health and / or appearance of trees T2, T3 and T5 which would be harmful to the character and appearance of the area. Accordingly, in this respect, this element of the proposals would conflict with Policy DM2 of the Island Plan Isle of Wight Core Strategy (2012) (the Island Plan), which expects development proposals to have regard to, amongst other things, trees. It would also not accord with Policy DM12 of the Island Plan which supports proposals that conserve and enhance the landscape of the Island.

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<sup>1</sup> 19/01185/HOU

### **Other Matters**

11. I acknowledge the appellant's desire to provide extended living accommodation for himself and his family and the lack of an objection to the proposals from Ryde Town Council. However, these matters are not sufficient to outweigh the desirability of retaining the important contribution of the trees to the character and appearance of the area.

### **Conclusion**

12. I have found that the proposed rear extension would conflict with the development plan taken as a whole. There are no material considerations that indicate that a decision should be made other than in accordance with the development plan.
13. For this reason, the appeal is dismissed.

*Martin Small*

INSPECTOR

