



Appeal Decision

Site Visit made on 1 November 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2021

Appeal Ref: APP/P2114/D/21/3280313

Langdale, Cedar Hill, Newport, Isle of Wight PO30 1DN

- 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 Stuart Young against the decision of Isle of Wight Council.
 - The application Ref 20/01890/HOU, dated 20 October 2020, was refused by notice dated 13 May 2021.
 - The development proposed is described as a “proposed single storey extension to the front elevation”.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed single storey extension to the front elevation at Langdale, Cedar Hill, Newport, Isle of Wight PO30 1DN in accordance with the terms of the application, Ref 20/01890/HOU, dated 20 October 2020, subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan, Location Plan, Existing Elevations, Existing Plan and Elevation at Langdale Cedar Hill Newport, Proposed Elevations and Proposed Plan and Elevation at Langdale Cedar Hill Newport.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 4. Prior to the commencement of the development hereby approved, details of the design of the foundations for the proposed extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Preliminary Matter

2. Since the submission of the appellant’s appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. Whilst I have had regard to the revised Framework as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issue most relevant to the appeal remains unaffected by the revisions to the Framework. I am therefore satisfied that

there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on a protected tree and whether it would preserve or enhance the character or appearance of the Carisbrooke Conservation Area (CCA).

Reasons

4. The appeal site forms a detached bungalow that is set back from the road and benefits from off-road parking space and a garden area to the front of the property. The area is semi-rural in character with a range of style and size of property in the vicinity. To the south-east is a property known as Beechwood which contains a cedar tree (the tree) that overhangs the appeal site. The tree is the subject of a Tree Preservation Order and, along with the appeal site, sits within the CCA. The tree is mature and imposing, making a valuable contribution towards the verdant setting of Cedar Hill and indeed, the character of the CCA.
5. The proposal seeks to erect a single storey extension to the front of the property to provide an additional bedroom, which would be positioned partly under the canopy of the tree. The application was supported by an Arboricultural Impact Assessment¹ (AIA) which identifies the tree as T1 and demonstrates that the extension could be constructed using a micro pile and beam system that would be suspended above ground level. The Council's Tree Officer confirms that this method of construction is acceptable, avoiding damage to the tree's root systems to ensure its longevity. From the evidence that has been provided, I see no reason to disagree with that assessment.
6. The appellant's AIA confirms that lifting of the tree would be required to increase the ground clearance from 3m to 4m for both construction activity and adequate clearance from the building. Once the development has been completed, it is likely that the tree would require pruning every 5-10 years to maintain clearance. The Council argue that the development would require the crown of the tree to be reduced back as a result of the perception of threat and dominance created by the proximity of the tree and the canopy overhanging the proposed extension.
7. However, the development would project to the front of the site, containing a window in its northern elevation which would face away from the tree and into the site. Therefore, given the overall width of the extension and the orientation of the window, it is unlikely that the tree would create a perception of dominance or indeed a threat that would require more than light pruning such as that advised within the appellant's AIA, which would be similar to the ongoing maintenance of the tree. Therefore, given the minor works to a relatively modest part of the total canopy of the tree to facilitate the development, I am not persuaded that it would result in harm to the integrity of the tree or that it would unbalance it to such a degree that it would harm its wellbeing, form or character. Moreover, for these reasons I find that the development would have a neutral impact on the CCA.

¹ AIA dated 22 March 2021

8. Thus, it would not be in conflict with Policies DM2, DM11 and DM12 of the Isle of Wight Core Strategy 2012 which seek, amongst other things, to ensure that developments protect, conserve and enhance the existing environment and the Island's historic and built environment.

Conditions

9. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. Along with the standard time condition, the approved plans should also be specified to provide certainty. In the interest of the visual amenities of the area, the materials to be used in the development shall also match the existing building.
10. In order to minimise the effect of the development on the tree, details of the proposed foundations shall be submitted and agreed with the Council prior to any works commencing at the site. The appellant has agreed in writing that, in accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, such a condition is acceptable.

Conclusion

11. Thus, for the above reasons, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR