



Appeal Decision

Site visit made on 5 July 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2022

Appeal Ref: APP/F0114/D/22/3298203

3 Ruskin Road, Bath and North East Somerset, Westfield BA3 3UU

- 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 Miss Kerry Good against the decision of Bath and North East Somerset Council.
 - The application Ref 22/01075/FUL, dated 8 March 2022, was refused by notice dated 3 May 2022.
 - The development proposed is the creation of a hard standing driveway and drop kerb access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site comprises an area to the front of 3 Ruskin Road and forms part of a larger section of green space that runs along this side of the road. A tree is located to the front of the site and, due to its prominent position, size and maturity, is visible from several locations along the road and in the surrounding area.
4. In the wider green space, other trees of a similar size and maturity are scattered. These, combined with the tree on the site and the grassed areas of the green space, contribute positively to the verdant character of the area. There is also a sense of openness as houses are set away from the road, in contrast to the terraced houses located close to the pavement on the opposite side of the road.
5. Whilst the development would occupy a relatively small area, its position would break up the green space with an area of hard surfacing, isolate a section of grass and reduce the overall area of green space. In addition, I can see nothing that would prevent vehicles from being parked on the hardstanding which would negatively affect the area's sense of openness and erode the verdant character of the area.
6. The 'Proposed highway verge and footpath crossing' plan and the Tree Protection Plan contained within the Arboricultural Report submitted with the application show differing hardstanding areas and specify different construction methods and materials. Even if the works were limited in depth within the root

protection area, due to this inconsistency, I cannot be certain that the development will avoid harm to the tree or that the tree will be adequately protected.

7. Therefore, I conclude that the development would unacceptably harm the character and appearance of the area, and conflicts with Policy CP6 of the Bath and North East Somerset Core Strategy 2014, Policies D1, D2, D4 and NE6 of the Placemaking Plan for Bath and North East Somerset 2017 and the National Planning Policy Framework. These policies, amongst other things, seek to ensure new development contributes positively to, and enriches, the character of the local area and avoids any adverse impact on trees amenity value. In the decision notice, the Council also refers to PP Policies D3 and D5. As these relate to urban fabric and building design, I do not consider them to be relevant.

Other Matters

8. As the area of hardstanding which provides access to 1 Ruskin Road is located at the end of the green space and is further away from the tree and its roots, it is materially different from the appeal proposals.
9. I have no evidence before me that demonstrates that any damage has been caused to the tree or its roots from vehicles driving near the tree or over its roots, nor that it would be unlikely to survive on site for many years.
10. Even if I were to consider that the development would not harm the living conditions of occupiers of 3 Ruskin Road or adjacent properties and would maintain highway safety standards, these would be neutral factors and would not weigh in favour of the development.

Conclusion

11. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude that the appeal is dismissed.

Juliet Rogers

INSPECTOR