
Appeal Decision

Site visit made on 20 July 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/R0335/D/21/3283596

12 Prince Andrew Way, Ascot SL5 8NL

- 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 Ms Michelle Sachs against the decision of Bracknell Forest Borough Council.
 - The application Ref 21/00411/FUL, dated 21 April 2021, was refused by notice dated 10 September 2021.
 - The development proposed is construction of a first floor side extension for two single bedrooms.
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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, specifically relating to a protected tree.

Reasons

3. The appeal property is a two-storey, semi-detached house on a moderate sized corner plot with front and rear gardens. Next to the property is a protected Oak tree (TPO 1355), which is positioned on a grass verge on the inside of the pavement adjacent to the property's side fence. The appeal property has a single storey side extension that, when I visited the site, was overhung by branches making up more than an insubstantial amount of the lower tree canopy.
4. The appellant does not dispute the townscape value of the protected Oak Tree and that it makes a positive contribution to the character and appearance of the area. It appeared to me to be a good-sized street tree that adds to the verdant character of this end of Prince Andrew Way and provides a visual connection with the local nature reserve Blackmoor Pond. Notwithstanding this, I saw that the canopy of the tree is already unbalanced with a larger amount of canopy overhanging the highway than the appeal property. This may be partly due to routine pruning.
5. The Arboricultural Impact Assessment and Method Statement concluded that, provided the protection strategy is implemented as outlined, the arboricultural impact of the proposal would be low. This may be the case in the immediate term, however, the resulting relationship between the tree and proposal would not be a harmonious one that would likely be sustained in the longer term.

6. While the pruning proposed for implementation may not be considered excessive or affect any principal branches, it would affect the tree's form and would further unbalance its canopy causing some harm to its visual value. Although this initial pruning may be of a similar level to previous pruning and considered low impact, the resulting proximity of the proposed extension to the branches would likely require more frequent pruning. It would also likely result in pressure for more extensive pruning or even removal of the tree altogether due to leaf litter affecting gutters and/or the potential for direct damage to the roof from contact with branches moving in the wind. Furthermore, it would restrict the space around the tree to the west, which may be needed for future growth and development and would accentuate its unbalanced form.
7. In addition, the amount of recommended clearance space would be limited when taking account of the protection measures and construction activities that would be taking place. Moreover, from the information before me, I cannot be certain that the existing foundations are adequate to support the proposal. In the case that they are not, delivering the proposal may require excavation of the root protection area, which would likely have an adverse effect on the tree's health.
8. It has been suggested that more onerous tree protection measures could be secured by condition, however this would not address the likely long-term harm I have identified, and I also question whether a more onerous condition would be reasonable.
9. Accordingly, for the reasons above, I find the proposal would harm the character and appearance of the area. As such it would conflict with the aims of policies EN1 and EN20 of the Bracknell Forest Borough Local Plan, policy CS7 of the Core Strategy Development Plan Document that seek to protect or enhance important landscape features, including trees. It would also conflict with paragraph 131 of the National Planning Policy Framework which recognises the important contribution that trees make to the character and quality of urban environments and states, amongst other things, that planning decisions should ensure existing trees are retained wherever possible.

Conclusion

10. With regard to the above, I find that the proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR