



Appeal Decision

Site visit made on 30 November 2022

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16th December 2022

Appeal Ref: APP/J0405/D/22/3306642

Ashridge House, Upton Road, Dinton, HP17 8UQ

- 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 J Canter against the decision of Buckinghamshire Council.
 - The application Ref 22/00369/APP, dated 3 February 2022, was refused by notice dated 9 August 2022.
 - The development proposed is demolition of 3 outbuildings and erection of one outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of three outbuildings and erection of one outbuilding at Ashridge House, Upton Road, Dinton, HP17 8UQ, in accordance with the terms of the application Ref. 22/00369/APP, dated 3 February 2022, and the plans submitted with it, subject to the following condition:

The outbuilding hereby permitted shall not be used or occupied for any purpose other than as ancillary to the residential property on the site currently known as Ashridge House, Upton Road, Dinton, Bucks, HP17 8UQ.

Main issue

2. I consider that the main issue in this case is its effect on the character and appearance of the area, with reference to trees adjacent to the site.

Reasons

3. The development is a single outbuilding 3.8m x 8.7m with a maximum height of 2.7m located at the rear of an existing garage in the southwest corner of the site. It replaces three old redundant outbuildings of a similar overall footprint.
4. The development has been carried out and is substantially complete.
5. The Council raises no objection to the development in terms of its impact on the character and appearance of the area. I see no reason to disagree with this as the building is subservient to both the house itself and the garage. It respects the character of the locality and is hidden from public view by the garage.
6. The Council raises concerns regarding a lack of information relating to the potential impact on a number of identified trees located beyond the site boundary to the south and west. The appeal site lies just outside the Dinton

- Westlington Upton and Gibraltar Conservation Area. The identified trees include an ash tree which is on an adjoining property inside the conservation area and therefore subject to some statutory protection, while the others are outside the conservation area. The trees are not subject to Tree Preservation Orders.
7. Policy NE8 of the Vale of Aylesbury Local Plan 2013-2033, adopted 2021, seeks to enhance the area's tree and woodland resource. Where trees could be affected by development, a full tree survey and arboricultural impact assessment is required.
 8. The appellant supplied a site survey showing the location of trees and the levels across the site and a method statement for the foundations on sites where trees are located and expressed the clear intention that the development would be carried out so as to minimise any damage to the tree roots.
 9. The Council's Tree Officer considered that there was insufficient information to judge the potential impact on the trees, but that, in this instance, since there were existing buildings and hardstanding on the site, a formal arboricultural impact assessment in accordance with BS5837:2012 may be disproportionate.
 10. During my site visit, I saw that the outbuilding has been constructed. The site is level and there do not appear to have been any changes in level from the original site. The two field maples, T9, closest to the site have been previously pruned because of the old outbuildings, and appear healthy. The prunus, T8, is fairly compact and appears healthy. The ash, T11, is some distance away. There were no leaves on it and it is therefore difficult to tell whether it is healthy or whether it has any signs of ash die-back. The site survey indicates that the spreads of these two trees each overlap a small corner of the site.
 11. I consider that I have sufficient information before me to assess the impact of this development and that the requirement for information in accordance with BS5837:2012 would be unnecessarily onerous given the particular circumstances of the site. In my opinion, the construction of the new outbuilding will not adversely affect the long term health of the trees, particularly since there were previously other buildings and hardstanding on the same site.
 12. I conclude that the development does not harm the character and appearance of the area and that it is consistent with policy NE8 insofar as it will not result in the unacceptable loss of or damage to trees.
 13. For the reasons given above, the appeal is allowed.

Conditions

14. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. The development has been carried out and all but one of the conditions is unnecessary. The condition restricting the use of the building is necessary to maintain the residential character of the area.

PAG Metcalfe

INSPECTOR