



Appeal Decision

Site visit made on 4 April 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/Y1945/D/22/3312954

19 Pinewood Close, Hertfordshire, Watford WD17 4NP

- 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 Ibrahim Siddiqui against the decision of Watford Borough Council.
 - The application Ref 22/00997/FULH, dated 15 August 2022, was refused by notice dated 11 October 2022.
 - The development proposed is Ground floor - Rear extension, Side extension, Garage conversion, Internal alterations First floor - Side extension, Internal alterations, Rooflights Loft floor - Make habitable, Rear dormers, Internal alterations, Rooflights.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In October 2022 the Watford Local Plan 2021-2038 (the 'Local Plan') was adopted. The Watford District Plan 2000, referred to in the decision notice, has been superseded. I have based my decision on the new Local Plan.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area including the effect on protected trees.

Reasons

4. 19 Pinewood Close (No.19) is a detached house that sits on a corner plot. The area nearby is residential and due to the variety of mature trees that line the roads, as well as the front and rear gardens of the houses, it has a verdant character and appearance.
5. No.19 has a large garden which is within proximity of several trees protected by a group tree preservation order¹. In particular the garden contains a mature Norway Spruce (identified on the TPO plan as T105) which is a significant height and extends above the dwelling. There is also a Lawson Cypress tree (T104) which sits adjacent to the dwelling, next to the road and an Ash tree (T103) that is located towards the rear of the neighbouring garden. These trees make a significant positive contribution to the verdant character and appearance of the area.

¹ Tree Preservation Order 63

6. The proposal would extend the rear of the property and result in an extension that is close to T105. I have had regard to the appellant's arboricultural impact assessment which includes details of how the roots will be protected during construction as well as the proposed piled foundation and cantilevered capping slab method that could be utilised to construct the proposal.
7. Tree roots are significant and visible across the garden and due to the large section of the Root Protection Area (RPA) that would be occupied by the proposal, it is likely that damage would be caused to the roots during construction, even with the method proposed and taking account of the area that is already a brick paved surface.
8. The proposal itself would extend into a significant proportion of the RPA which could also lead to a restrictive effect on future root growth. Both this and the potential for root damage during construction would affect the vitality of the trees and could result in their loss, which would be to the detriment of the character and appearance of the area.
9. The proposal includes works to prune and crown lift some of the trees to facilitate the works. The works to the majority of trees would be minor and would unlikely result in any substantial change in appearance of the trees. However, whilst it might be common practise and not have a discernible impact on the tree's longevity, the raising of the crown of T105 to achieve ground clearance of 4 metres would significantly alter the appearance of the tree. Particularly when viewed from Maple Grove which would erode some of the positive contribution to the verdant character and appearance of the area that the tree provides.
10. During my site visit I saw that T105 has significant needle, cone and twig litter which covered a large proportion of the garden and likely also the roof and guttering of the house. I appreciate that this may already be a nuisance which is managed by the occupiers however the closeness of the rear extension and provision of 4 rooflights would exacerbate this nuisance further and likely require more frequent management of the gutters, roof and rooflights. Gutter guards could be fitted and rodding points to allow maintenance of the system however the increased nuisance caused would result in increased pressure in the future to continue to carry out works to the tree and lead to the potential for felling.
11. The proposal would be close to T105 and whilst I acknowledge that trunk expansion is unlikely to have an impact there is no substantive evidence to suggest that the foundation design would be sufficient in order to protect the proposal from future structural damage from tree roots.
12. I have considered the possibility of securing any permission with a condition to ensure that the development is constructed in a way that the foundations are able to withstand structural damage from tree roots. However, I do not consider it appropriate to secure the fundamentals of construction by condition without some reassurance beforehand that the methods proposed could be delivered on site. As such, based on the evidence before me it is likely that the proposal would lead to structural damage in the future which would further lead to pressure to fell the trees.
13. Although the current occupiers value the trees due to the privacy provided, wildlife attracted and verdant character and appearance of the area which

means they have no desire to remove the trees, I must consider the likely wishes of future occupiers too. As these trees make a significant positive contribution to the verdant character and appearance of the area, their loss would be harmful.

14. In summary, the development would be likely to result in pressure to remove the trees which would harm the character and appearance of the area. The proposal would conflict with Policy NE 9.1 of the Local Plan which amongst other things, seeks to protect Watford's natural and environmental assets.

Other Matters

15. I have no reason to conclude against the Council's assessment that scale and design of the proposal is acceptable and that it is deemed acceptable in terms of its effect on the living conditions of neighbouring occupiers, however these matters do not outweigh the harm I have identified.
16. The appellant has referred to a planning application elsewhere that used a similar approach to constructing foundations within RPA's. However, very little information has been provided about the circumstances of this particular application and in any case, I am only in a position to consider the proposal before me.

Conclusion

17. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR